National Anti-Slavery Standard.

VOL. XVI. NO. 16. NEW YORK, SATURDAY, SEPTEMBER 8, 1855. WHOLE NO. 796.

National Anti-Slavery Standard.
Published Weekly, on Saturday, at $2 per annum, by the
AMERICAN ANTI-SLAVERY SOCIETY,
At its Office, 138 Nassau St., New York,
AND AT THE OFFICE OF THE
PENNSYLVANIA ANTI-SLAVERY SOCIETY,
31 North Fifth St., Philadelphia.
Advertisements inserted at $1 per square for the first insertion, and 25 cents for every subsequent one. For advertisements less than a square, 50 cents for each insertion.

Selections.

THE WILLIAMSON CASE.

Argument of Counsel on Petition for Habeas Corpus.

SUPREME COURT IN BANC, Bedford, Pa., Aug. 13, 1855.

ARGUMENT OF HON. CHARLES GILPIN.

In support of the petition, the Hon. CHARLES GILPIN addressed the Court as follows:

Mr. GILPIN—May it please your Honours, I rise to the argument of this cause with some embarrassment, and a deep sense of the responsibility of my position. I shall endeavour to consume, however, as little time as possible, and in that little time it shall be my effort rather to prepare the way for one who, coming after me, is preferred before me, whose place I feel that I cannot fill, on this occasion, to the satisfaction of the honourable Court, or of the intelligent audience which this important case has called together.

I am impressed, on rising, with a sense of want of preparation, for which the peculiar circumstances of the case must be my apology. I am impressed, also, with the peculiar feature presented by this case in its present stage, a feature most apparent, and made more apparent when this application for the writ of habeas corpus is contrasted with the recent application of Col. John Wheeler, of North Carolina.

I am the more impressed, too, with the importance of this discussion at this time as it involves not only questions arising under the Habeas Corpus Act of Pennsylvania, and its imperative injunctions, and under the discretionary power of the Court to grant the writ at common law without the statute, but imposes on us the necessity of travelling beyond that through all the ramifications of the case, that nothing may be omitted which is deemed essential to the interests of our client, Passmore Williamson, who is now suffering imprisonment in the city of Philadelphia, who is not here, and who cannot be here, or before this Court, unless this writ be granted, to listen to what his counsel may say for him, to what his accusers may say against him, and to what the Court may consider and decree in his behalf.

I have said that this case presents, at this stage of it, a peculiar and somewhat startling feature—startling to the mind of the Pennsylvania lawyer. What is it? Why is it? This is a hearing, may it please your Honours, upon an *application* for a *habeas corpus*. It is not a hearing upon a writ where the prisoner is brought before the Court in the free air, where he may hear and be heard, as is provided by our Bill of Rights; but it is a case of argument upon an application, and, to say the least of it, an application made, under circumstances of uncommon hardship, for the *allowance* of the writ of *habeas corpus*.

How many writs of *habeas corpus* are granted in this great Commonwealth under the imperative injunctions of the act—how many under the discretionary power of the Court—as a matter of course, upon the application of any felon, of any pickpocket, and of any scurvy knave arrested within the limits of a great city, although no great principles are involved, that the prisoners may have a hearing, that they may be brought before the Court to hear what is to be said touching their rights before their case is determined, and that they may be admitted to bail, if the cases be bailable, or discharged if a *prima facie* case be not made out against them! But in a case of this importance, in which the sovereign power of the State has been usurped by the Federal Court, where the powers of the Pennsylvania judiciary have been invaded, and the trial by jury virtually superseded, where the proceedings and practice under the writ of *habeas corpus* at common law have been departed from, where unusual and most oppressive means have been adopted to incarcerate an individual who is still restrained of his liberty—in a case of this pressing moment, a man of undoubted character and high respectability now appears here, by his counsel, before a full Court, presenting and pressing his application for this writ. The necessity for this is a somewhat startling feature to my mind, may it please your Honours, and to the mind of every Pennsylvania lawyer. Is it not rendered still more so when we contrast it with the application of Col. John H. Wheeler, of North Carolina, to the Federal Court for a similar writ, which was granted without a hearing by a Court of limited jurisdiction, without any statutory obligation; as we allege, without any jurisdiction of the subject matter. Nay, more, this contrast renders this feature of the case still more remarkable. We have been taught to believe always that a *habeas corpus cum causa* is a writ *in favorem libertatis*. It is a writ which is supposed to emanate from the sovereign, for the enlargement and redress of his subjects when oppressed.

This is the foundation and theory of the writ, and this is the ground upon which it is claimed by Passmore Williamson. But the Federal Court, may it please your Honours, has converted it into a writ *in favorem servitudinis*. Does not this stage of the case, then, present a somewhat startling feature to the mind of the Pennsylvania lawyer? Such an extension and perversion of the law of habeas corpus by a Judge of one of the Federal Courts, and the possibility of a refusal of this great writ by the Supreme Court of Pennsylvania to a citizen of Pennsylvania, actually restrained of his liberty, who appeals to his sovereign, the Commonwealth of Pennsylvania, through her Courts for enlargement and redress!

Let us turn to the petition of Col. John H. Wheeler, to see if I am right in making this contrast. I need not go over the petition of Passmore Williamson, for there stands upon the record a certified copy of his jailor that he is restrained of his liberty; and he asks you here that he may have the writ of *habeas corpus* granted to him according to the act of Assembly. Whether his case meets the requirements of that act or not, we are yet to consider.

What does Col. Wheeler say when he applies for this high prerogative writ to the Federal Court? He does not say a word in his petition which should bring his application within the act of Assembly of Pennsylvania, if that had been necessary. There is not a word in it in which he alleges that any party is restrained of his liberty. He alleges that certain persons, whom he claims to be his slaves, under the laws of another State, are detained from him by Passmore Williamson, but by what means, or how, his petition does not say; but there is not one word to indicate that any party is suffering from incarceration or a deprivation of liberty. The conclusion, therefore, that I draw is, that in the Federal Court every facility is afforded, even in doubtful cases, for the granting of the writ; and if there be risk or danger in it, those matters are to be discussed at the time the writ is made returnable on the hearing. But before our own Courts, although there is an act imperative upon them in certain cases to issue the writ, we are compelled to proceed slowly, cautiously and laboriously, beset with difficulties, and met with opposition at every stage of our proceedings. Permit me to allude to one of those obstacles, which I see presenting itself in my path, before I proceed to a discussion of the principles that are involved in the case. I allude now to the opinion of the learned Chief Justice of this Court upon an application made to him to award this writ. It is my purpose now, without dwelling too long on it, to try, if I can, to remove the impressions which that opinion is calculated to make unfavourable to our case; erroneous impressions, permit me to say, with all respect, misleading the legal as well as the popular mind of the country. In doing so, it shall be with all respect and deference to the learned and estimable gentleman who occupies that place; and if, in the hurry of argument, anything shall escape me which may not be becoming the occasion, his position or my own, I am sure that it will be attributed to the zeal which I feel in behalf of one who is placed *in salva et arcta custodia* at a distance from us, rather than to any intentional disrespect to the Court which I now address.

We are told, may it please your Honours, by the learned Chief Justice, that the issuing of this writ is not imperative and obligatory upon the Court. It is not my purpose to read this opinion throughout, but there is one startling objection made by the learned Chief Justice which meets me almost upon the threshold, which, if it be valid, might be conclusive against the statutory right of the relator to the writ, and leave it discretionary with the Court, as at common law. The Chief Justice remarks:

"The *habeas corpus* act does not require the writ to be granted in all cases whatever. Whenever it appears upon the face of the petition, or, which is the same thing, by the detainer annexed to it and forming part of it, that the prisoner is 'detained upon legal process, order, or warrant, for such matter or offences for which, by the law, the said prisoner is not bailable,' the case is excepted out of the act. *See* act 18th February, 1785, Sec. 1."

If the position thus taken be correct, I shall have to abandon the ground that it was *obligatory* upon the Court to issue the writ, and to admit that it was a mere discretionary matter with the Court. But we contend that this application of this quotation from the act is a mistake and misapplication, and that those words used in the *habeas corpus* act are solely and exclusively applicable to the regulation of the proceedings under the writ *after* the granting of the writ, or to the cases in which it is to be granted.

There are exceptions in this act of Assembly, and I want to allude to them. The act says: "If any person stand committed for any criminal or supposed criminal matter, unless for treason or felony." These are the only exceptions in the act, and they are in the first section. What is the reason of that exception? Our act is mainly a transcript of the act of 31 Charles 2d, chap. 2, which was intended to remedy certain great and crying evils. The writ had been in existence as a prerogative writ for a long time before; but judges at that time were dependent on the "powers that be." There was a great distinction between the commonalty and the judiciary, and courts reposed very much on the bosom of the appointing power. They were very apt, in cases of general warrants, where they could, safely, for their reputation, to refuse the writ of habeas corpus under the discretion which they had. The case of Sir John Elliot, I think, was one of them, and the case of Jenks was another, the charges being contempt and inflammatory speeches derogatory to the government. There was no statutory provision compelling the judge to issue the writ, nor any means by which a prisoner so committed upon general warrant from the King in Council, or Secretary of State, could be heard. The judges neglected their duty, and hence the passage of the habeas corpus act; these exceptions, treason and felony, were made, as is stated by Blackstone, because in all cases, excepting treason and felony, the general grant of the writ under the statute could not result in any inconvenience or detriment to the public or the government. There is no particular reason, perhaps, why these exceptions should have been put in our act, though, perhaps, there may be in the case of treason. But all felonies except homicide are now bailable; and the scurviest knave, the lowest pickpocket, and the meanest pilferer, though charged with a felony, looks upon the grant of this writ—and, indeed, it always issues—as a matter of course; while we, who are not within those exceptions, who are not charged with treason or felony, but within that large class embraced in the act, being all cases except treason and felony, are made to rest a long while before we are allowed to enter the portal of justice. Now, if your Honours will look at the first section of this act, you will see that it applies to the allowance of the writ. It is in these words:

"1. If any person shall be or stand committed or detained for any criminal or supposed criminal matter, unless for treason or felony, the species whereof is plainly and fully set forth in the warrant of commitment, in vacation time, and out of term, it shall and may be lawful to and for the person so committed or detained, or any one on his or her behalf, to appeal or proclaim to any Judge of the Supreme Court, or to the President of the Court of Common Pleas for the County within which the person is so committed or detained; and such Judge or Justice, upon a view of the copy or copies of the warrant or warrants of commitment or detainer, or otherwise, upon oath or affirmation legally made, that such copy or copies were denied to be given by the person or persons in whose custody the prisoner is detained, is hereby authorized and required, upon request made in writing by such prisoner, or any person on his or her behalf, attested and subscribed by two witnesses, who were present at the delivery of the same, to award and grant a *habeas corpus* under the seal of the Court whereof he shall then be a Judge or Justice, to be directed to the person or persons in whose custody the prisoner is detained, returnable immediately before the said Judge or Justice, and to the intent, and that no officer, sheriff, jailor, keeper or other person to whom such writ shall be directed, may pretend ignorance of the import thereof, every such writ shall be made in this manner. 'By Act of Assembly, one thousand seven hundred and eighty-five, and shall be signed by the Judge or Justice who awards the same.'"

This section, though referred to for the words of exception which the Chief Justice has quoted and I have read to you from his opinion, does not contain those words.

The precise words of the quotation are in the second section, which is as follows:

"2. And whenever the said writ shall by any person be served upon the officer, sheriff, jailor, keeper, or other person whatsoever to whom the same shall be directed, by being brought to him, or by being left with any of his under officers or deputies, at the jail or place where the prisoner is detained, he, or some of his under officers or deputies, shall, within three days after the service thereof, as aforesaid, upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the Judge or Justice who awarded the writ, and thereon endorsed, not exceeding twelve pence per mile, and upon security given by his own bond to pay the charges of carrying him back, if he shall be remanded, and not to escape by the way, make return of such writ, and bring, or cause to be brought, the body of the prisoner unto or before the Judge or Justice before whom the said writ is made returnable, and, in case of his absence, before any other of the Judges or Justices aforesaid, and shall then likewise specifically and fully certify the true cause or causes of the commitment and detainer of the said prisoner, and when he was committed, unless the commitment be in any place beyond of twenty miles from the place where such Judge or Justice shall be residing; and if beyond the distance of twenty miles and not above one hundred miles, then within ten days; and if beyond the distance of one hundred miles, then within twenty days. And thereupon, the Judge or Justice before whom the prisoner shall be so brought shall, within two days, discharge the prisoner from imprisonment, taking his or her recognizance, with one or more surety or sureties, in any sum, according to his discretion, having regard to the circumstances of the prisoner and the nature of the offence, for his or her appearance at the next Court of Oyer and Terminer, general jail delivery, or general Quarter Sessions, of or for the County, City or place where the offence was committed, or in such other Court where it may be properly cognizable, as the case shall require, and then shall certify the said writ, with the return thereof, and the said recognizances, into the Court where such appearance is to be made, unless it shall appear to the said Judge or Justice that the party so committed is *detained upon legal process, order, or warrant, for such matter or offences for which, by the law, the said prisoner is not bailable*; and that the said Judge or Justice may, according to the intent and meaning of this act, be enabled, by investigating the truth of the circumstances of the case, to determine whether, according to law, the said prisoner ought to be bailed, remanded, or discharged, the return may, before or after it is filed, by leave of the said Judge or Justice, be amended, and also suggestions made against it, so that, thereby, material facts may be ascertained."

The perusal of the two sections makes it plain; the first relates exclusively to the issue of the writ; the second exclusively to the service, proceedings and hearing; the pith of it all is that the second section requires on hearing that the prisoner, though a case may be presented, requiring that he shall be held for trial, shall be admitted to bail and so held for trial, unless the charge be not bailable. If the prisoner be held, without sufficient cause, illegally, the Judge must discharge him; if cause be shown, the Judge must hold him for trial, in prison or by bail.

The second section does not come into force until the first has been complied with, and the writ allowed and issued; then the requirements of the second section begin.

But the writ has gone forth; it has penetrated the doors of the prison, and resounded within the cell of the prisoner.

What we ask for here, the allowance and issue of the writ, must be granted, before the words or directions of the second section can be invoked either for the benefit or to the prejudice of the prisoner and relator, or any one else.

Is not the application of this quotation by the Chief Justice a plain mistake?

Now, I ask in candour, does it mean that this is a case excepted by the *habeas corpus* act? It is only a case excepted out of the duty imposed on the Judge in the second section, who is directed to take bail only in such cases as are bailable. It is easily understood in that connection. When the opinion first met my eye, I confess that it almost confounded me, for it was not in accordance with any previous opinion that I had formed from the perusal of this act, or from any study which I had previously given to the subject. I think, may it please your Honours, that my view of that matter cannot be wrong; and if it be not wrong, it is an answer, and a full one, to the objection that an offence not bailable is excepted out of the injunction to the Court, in the first section, to issue the writ.

In the same opinion the case of *ex parte* Lawrence, 5 Binn. 304, is cited. Reference is also made to this case in the petition of the relator. Our version of that case is, that it is not one which conflicts at all with the right of the prisoner to the writ. It is only the decision of the Court that a certain course of proceeding, to-wit, the hearing of the case before a Court of competent jurisdiction, of the prisoner's own selection, after the granting of the writ, satisfies the demand of the statute. In this case we have had no writ; we have not been heard; the requirements of the statute in our behalf have not been satisfied. The case of *ex parte* Lawrence is not applicable farther than, as we think, to enforce the position which we take, that the act and its injunctions are imperative upon the Court, and require the allowance of the writ to the relator.

We next meet, in the opinion of the Chief Justice, a reference to the case of Brass Crosby (3 Wilson, 188). What was that case? It was a commitment for contempt of the privileges of the House of Commons; neither the Judges nor the people of that day ventured to question the jurisdiction of the House, either in matters of contempt or matters of privilege, in violation of which contempt were committed. It is, therefore, an authority not applicable to the present case, as, I think, your Honours will see. We allege that there is no jurisdiction to authorise the writ asked for by Col. Wheeler. In every case of refusal of the writ cited by the Chief Justice, and especially in the cases of contempt cited by him—indeed, in every case that has come under my eye—there has been, without exception, an admission that the subject matter before the tribunal, Court or Judge, in connection with which the commitment was made, was *within its jurisdiction*. That is our position. Besides, Brass Crosby's case was suited to other times rather than to the present.

In the case of *ex parte* Kearney, cited by the Chief Justice (7 Wheaton, 38), the committing Court had undoubted jurisdiction of the subject matter; and so in Nugent's case (1 Am. Law, p. 111), the jurisdiction of the Senate was not doubted, but alleged by Judge Cranch. The honourable Judge of the District Court of the United States, while holding a session of the Court, if interrupted in the course of the proceedings by some flagrant violation of decency and propriety, may commit for contempt, whether the guilty person be party, spectator or casual visiter in the Court. The commitment may be general in its terms. I would not be here to argue such a case and say that there was a power of revision here. That, I admit, is a case of summary conviction within the legitimate powers of any Court, and it matters not what might be the business before the Court at the moment, so that the Court was in session, and the act was an invasion of its rights and dignity. But it would be a vastly different case, may it please your Honours, if a Judge of a Federal Court should commit for contempt, in open violation of the act of Congress, prohibiting jurisdiction of contempts for matters done out of Court. If any Federal Judge should undertake to bring the publisher of a newspaper before him for having refused to comply with an order of the Court, in reference to business before the Court, or for having used disrespectful language concerning the Court, and if, on the commitment, it should appear that he was so committed for such contempt, there, very clearly, any State Court of general jurisdiction would have a right to interfere, and be bound to grant relief. And why? Because, by the act of Congress itself, all jurisdiction of such offences and such contempts is taken away from the Federal Courts, although they have limited jurisdiction in commitments for contempt.

The whole stress and weight of the authorities cited by his Honour, the Chief Justice, will be removed if we can establish that Col. Wheeler's application for the *habeas corpus* is a case without the jurisdiction of the Federal Court; that once established, the want of such jurisdiction makes the proceedings *coram non judice*, renders them a nullity and utterly void, and of no effect in law. We can satisfy your Honours, by precedent and authority, that in cases of contempt there have been instances of interference by Courts under similar circumstances, and of writs granted for the relief of the persons in jail, under which the relators have been relieved.

Now, may it please your Honour, had the Judge of the District Court of the United States jurisdiction in this case? The Federal Courts are not *inferior*, but they are *limited*, in their jurisdiction. Their jurisdiction is obtained from the Constitution and from the acts of Congress passed in pursuance thereof. There are three classes of cases into which I have looked in vain to find anything that can sustain the jurisdiction exercised in this case. The first is the jurisdiction as to that class of cases arising between citizens of different States. This application for the writ of *habeas corpus* could not, by any forced construction, be within it. The writ of *habeas corpus* is not a proceeding *inter partes*. It is a proceeding *ex parte* and *in personam*, and that provision, as far as litigation is concerned, is intended to be applicable to proceedings *inter partes*, where the parties are citizens of different States. It would be a monstrous construction to say that, because the relator, Col. Wheeler, was a citizen of North Carolina, and the respondent was a citizen of the State of Pennsylvania, that this difference of citizenship should give jurisdiction to the United States Court. If that could be pretended for a moment, may it please your Honours, it would give jurisdiction in all criminal matters, in every case in which an informer or relator might not happen to be a citizen of the State in which the proceedings are instituted. There can be no reason, there can be no authority, there can be no case shown, which will bring an *ex parte* application or a petition for a *habeas corpus* within the law on this head.

The next class of cases is that of fugitives from justice. Is there any pretence that this is such a case? We have to look into these matters before your Honours, that the interests of our client may not be disregarded, for the learned Judge who delivered the opinion of the United State District Court has not deigned to tell us whether, in the written or unwritten law, he finds authority for the assumption of jurisdiction by him. We must grapple with upon it, in order that we may not be charged with neglect of duty towards our client. Such authority certainly cannot be found. Can it be said that Jane, the alleged slave, had escaped or was a fugitive from justice? No. Can there be any law of North Carolina or Virginia by which a desire, if she entertained one, a dream, if she ever had one, or a wish or intention to be free, if she ever expressed one, can be construed into a crime against the laws of North Carolina or Virginia, so that she could be pursued here, or any proceedings be instituted here which could be styled a *habeas corpus cum causa*, and sustained under the clause applicable to fugitives from justice? I cannot imagine such a case coming within that class. If the Federal Judiciary, or rather our brethren in any of our sister States, by any such forced construction, should ever attempt to raise questions of that kind upon such feeble and frail grounds, I think that they will do much—and they have done something in this case—to weaken, if not to soap asunder, the bonds which have united us in this powerful sisterhood of States.

Judge LOWRIE—I believe our neighbours immediately south of us did pass an act of Assembly declaring it criminal for slaves to escape across the line into this State. I think they have repealed it, however.

Mr. GILPIN—I know that there have been enormities—I use the phrase in no offensive sense—enormities in the eye of the law, committed in that way; and I have been trying to find what one could be suggested, for the purpose of bringing this within the jurisdiction of the United States Court. I hope the day will never come when it will be attempted to stretch the authority of the law for that purpose.

The next class is that of fugitives from service or labour. Does this case come within that class? There is no allegation here that this party came otherwise than with the voluntary consent of the alleged master, from the State where they belonged to the state of Pennsylvania. There are two cases which I think proper to cite to your Honours in this connection. One is a case decided by a Southern Judge, an upright and learned man, Judge Washington. The case is *ex parte* Simmons, in 4 Washington Circuit Court Reports, 396. In that case, before the repeal of any portion of the proviso or exemption of the abolition act of 1780, a citizen of South Carolina came voluntarily with his slaves into Pennsylvania, and resided in Philadelphia. Wishing to return to South Carolina, he appeared before the Judge (whether with or without the slave the case does not say, the alleged slave being evidently within his power and control), and asked from Judge Washington a certificate of removal. But Judge Washington said, no; that case is not within the act of 1793, and I cannot help you.

This is the syllabus:

"The Act of Congress respecting fugitives owing labour does not apply to slaves brought by their masters from one State to another, who afterwards escape or refuse to return."

And these are the words of the Judge:

"The slave in this case having been voluntarily brought by his master into this State, I have no cognizance of the case so far as respects this application, and the master must abide by the laws of the State so far as they may affect his rights. If the man claimed as a slave be not entitled to his freedom under the laws of this State, the master must pursue such remedy for his recovery as the laws of the State have provided for him."

Judge BLACK—Have you a copy of the record in the case now before us?

Mr. GILPIN—It is printed in the paper-book, and your Honours have it all, and all the proceedings *except that portion which is omitted* in the certified copy procured from the office, and to which we can only allude in our petition. The traverse of the return to the habeas corpus does not appear upon the record. We have to take the record as it is given to us, as importing verity, it being signed by the clerk and certified by the Judge. If it be within the course of their procedure to traverse a return, not by the verdict of a jury, but by the opinion of the Court on parol proofs, and not to certify the traverse on the exemplification at all, it is an irregularity that has never before crept into the most irregular proceedings of any Court of Pennsylvania.

I confess that the hearing before Judge Kane was a case of unusual hardship upon the professional gentlemen engaged, hardship of a kind which I never before experienced in my professional life. I never, when called into court, upon the spur of the moment, without an instant for consideration, was met with a refusal of time to consider, as we were there met with the refusal of the learned Judge, who, after hearing the argument on one side, and after the counsel on the other side had declined to speak on account of a want of time for preparation, said to the counsel to whom he denied time, that he must take a week to prepare his opinion.

I have given your Honours the syllabus of *ex parte* Simmons, and the words of Judge Washington's opinion. Here is high authority. Here is—not using the term in an invidious or obnoxious sense—Southern authority, though the opinion was delivered, it is true, within the borders of a free State.

I will refer to another case to show that this matter has been before the Courts of Pennsylvania, and that they have extended to the utmost the free and liberal construction of the act of 1793, and of the provision in the Constitution for the relief and benefit of the master. The case to which I allude is, Butler vs. Delaplaine, 7 S. & R., 395. This was a case of *homine replegiando*; the alleged slave had been brought into this State, not by or with the consent of the owner, but by a bailee for hire; in other words, the owner resided in Maryland, the slave was hired out, and, without the knowledge or consent of the master, brought into Pennsylvania. When in Pennsylvania, the slave claimed his or her freedom, and the writ of *homine replegiando* was used to try the question. Judge Duncan, with the spirit that has always prevailed in our judiciary to do full and ample justice to our Southern brethren, said:

"The slave who is removed into this State without the consent or connivance of the master may be considered as a slave absenting himself, absconding, or clandestinely carried away under the 11th section of the Pennsylvania Abolition Act of 1st March, 1780."

And: "Such removal, under the 4th art., 2d section, of the Constitution of the United States, would be an escaping into another State."

And: "The slave coming into the State in any other way than by the consent of the owner, whether he comes in as a fugitive or runaway, or is brought in by those who have no authority so to do, cannot be discharged under any law of this State, but must be delivered up on claim of the party to whom his services or labour may be due."

But in this case the Judge admits, in the course of his opinion, that if the master had connived at, or had consented in any way to, the bringing into this State of the alleged slave, the law would have been entirely different.

There is another case to which I wish to call your Honours' attention in this connection, as it throws some light upon the question before us. It is the case of Chotean vs. Marguerite, 12 Peters's reports, page 361. This was a contest for freedom, under the laws of Missouri, in the State Court, I believe, but I have not examined the case critically. It was a writ of error to the Supreme Court of the United States. The question of freedom or slavery was involved in the decision of the Court below; an application was made to dismiss the writ of error to the Supreme Court of the United States, and it was dismissed. And why? For want of jurisdiction. And why? Because the case was not within the appellate jurisdiction of the Supreme Court of the United States, given in the Judiciary act, no law of the United States or treaty being in question. Jurisdiction is not to be inferred or presumed because a question of freedom or slavery is involved, though such question is exclusively cognizable in the case of fugitives from service or labour, by the United States Courts and Judges, or because such question was raised and decided in a State Court, the person not being a fugitive.

I cannot, therefore, may it please your Honours, see that there is anything in either of these three classes of cases from which it can be inferred that jurisdiction was given to the District Court of the United States in the matter now before you. I do not want to dwell long upon the Judiciary act of 1789; mainly upon it, all the Courts of the United States depend for their powers. The 9th section of the act is the one upon which the District Court of the United States chiefly depends for its powers. There are other sections giving it jurisdiction, in matters under the patent and revenue laws, and debenture bonds—matters utterly foreign to this question. The 14th section of the act prescribes that the Courts of the United States shall have power to issue the writ of *habeas corpus* in certain cases. The right to issue the writ of *habeas corpus*, given in the first part of the fourteenth section, is in aid of the jurisdiction of the Court, not in favour of liberty. The fourteenth section has two divisions. The former being a grant of power in aid of proceedings within the jurisdiction theretofore conferred; the latter in favour of the liberty of the citizen. Unless, therefore, something can be found in the ninth section to sustain the jurisdiction of the Federal Court, the fourteenth section, and the power given under it, is utterly at fault in any support that it can give. I need not allude to the latter part of the fourteenth section, which gives power to inquire into commitments, because that is expressly limited to commitments and bindings over by and to the *Federal* Court, and the power in cases of commitment by the *State* Court is expressly excluded. This view has been sustained by case after case, the most prominent of which is Dorr's case, with which your Honours are all familiar.

I will not, may it please your Honours, dwell longer upon this matter, for I cannot find, as I before said, any precedent upon which the jurisdiction can be sustained; the cases before Judges Grier and Kane in the Federal Court arising out of certain occurrences in Luzerne County, and their doctrines, have been repudiated by this Court, and do not seem to me to apply.

The position we first take, and upon which we hope to obtain this writ and the discharge of the prisoner, is the entire want of jurisdiction in the Federal Court upon the petition as presented by Col. John H. Wheeler, of North Carolina. The next question that comes up is, if the Court had no jurisdiction, are not its proceedings *coram non judice, nullities, utterly null and void?* I know that there is a distinction between Courts of inferior and Courts of limited jurisdiction in regard to the character of their proceedings and how they are to be treated; but there are cases, and very pointed ones, of very good authority, in which the proceedings of Courts not inferior, but of record, and of limited jurisdiction, have been held and treated as nullities for want of jurisdiction of the subject-matter. Let me put a case, may it please your Honours. We have had with us a very estimable gentleman, who presides over a Court of Philadelphia City and County, of limited jurisdiction, with power to entertain civil, but not criminal, pleas. We might imagine a case—but certainly not under the administration of the President Judge or either of his associates—in which, by an usurpation and assumption of power, that Court of limited jurisdiction, but not an *inferior* Court, might undertake, by indictment, by trial by jury, or by any other means which might suit the capricious fancy of the man at its head to oppress an individual, to try him for larceny. Such a case might result in a conviction, and the accused might be, with a certificate to that effect, lodged with the warden at the penitentiary, immured within its walls. A commitment being thus issued by the District Court of the City and County of Philadelphia, a Court without criminal jurisdiction, not an *inferior* Court, but of *limited* jurisdiction, will any one say to me, in the presence of your Honours, that in such a case you would not interfere? It *cannot* be. There is *something* in the liberty and in the protection of the liberty of the citizen, there is *something* in the powers of Courts of concurrent and coördinate jurisdiction, and *something* in the power of the Supreme Court of the land, that will justify interference in a case like that. What difference is there between the case which I have just supposed and the case decided by the District Court of the United States? The District Court of the United States had no jurisdiction, but acted under an assumed and usurped power; and, with all deference to the learned Federal Judge who pronounced the opinion, I must say that I do not think my supposed case would be a much more flagrant assumption of power and jurisdiction than the real one is, in which Passmore Williamson is the respondent and victim, and the Hon. Judge of the District Court of the United States for the Eastern District of Pennsylvania the actor.

I will now refer your Honours to several cases which I have upon my notes, although not very well arranged, upon this point of proceedings *coram non judice*. Kemp vs. Kennedy, 1 Peters's Circuit Court Reports, page 36; also to be found reported in 5 Cranch, 172. The proceedings of any tribunal not having jurisdiction of the subject matter which it professes to decide are void. Wickets vs. Caulk, 5 Harr. & J., 42. Griffith vs. Frazier, 8th Cranch, 9. Den vs. Harnden, Peirce, 55.

The next case to which I will refer is to be found in the edition of Wharton's Digest; 1850, 1st volume, page 321, under Court head, VII., s. 282. The Com. vs. Smith, Esq., Sup. Ct. Penn. Oct. 1809, pamphlet, p. 47–8. "A State Court has a right to discharge a prisoner, committed under process from a Federal Court, if it clearly appears that the Federal Court had no jurisdiction of the case."

The next is Olmsted's case.

Judge BLACK—In what year was that case decided?

Mr. GILPIN—Com. vs. Smith, was in 1800, the year in which I was born; a pretty old case, but if it has kept as well as I have, I hope it will be good law yet.

Chief Justice LEWIS—That principle does not need authority. It is certainly law.

Mr. GILPIN—Am I to understand his Honour, the Chief Justice, to say that if the proceedings before the District Court of the United States were not within its jurisdiction, that they are *coram non judice, null and void?* for it is a great step in our argument if we can reach that point.

Chief Justice LEWIS—I concede the very words of the decision you have just cited to be undoubted law.

Judge BLACK—I suppose the decision settles that as far as it goes.

Mr. MEREDITH—This is precisely our point.

Chief Justice LEWIS—And you should have the benefit of it, if it *clearly* appears that the District Court of the United States had not jurisdiction. In such case I think that the State Court would have power to discharge; in fact, I have no doubt of it, if it *clearly* appears upon the face of the record.

Mr. GILPIN—Then it will be necessary for me to fall back upon the record, perhaps; but I should like to give the authorities on that point. Olmsted's case is cited in Wharton's Digest, and also in Brightley's Reports, page 9. It was there decided that the State Court has a right to discharge a prisoner under process of a Federal Court, when it clearly appears that the Federal Court has no jurisdiction. Brightley has gathered up cases not before published in any book of reports, and there are other cases which are important in their bearing upon this case, which we will furnish to the Court.

In the case of Holden vs. Smith, 14 Adolphus & Ellis, N. S. 841, the Court held that in the absence of jurisdiction the proceedings were to be treated as a nullity.

Judge LOWRIE—We frequently go a little farther than that in relation to soldiers. We send the writ of *habeas corpus* to the United States officer, directing him to relieve them from custody and discharge them.

Mr. MEREDITH—Nobody ever doubted your jurisdiction, may it please your Honour.

Mr. GILPIN—I have just mentioned the case of Holden vs. Smith, which I want to give in brief, to be found in 14 Adolphus & Ellis, new series, page 841. It is remarkable in some of its features. It was a case of commitment for contempt, not by an inferior Court, but by a Court of record. Proceedings at law for damages were instituted against the Judge of the Court committing, by the party so committed, and the Court sustained the action, deciding that the proceedings of the Court below, in the absence of jurisdiction of the subject matter, were a nullity, and that the Judge was responsible.

We take Col. Wheeler's petition as presented to the Court, we give the Judge the full benefit of the facts set forth upon the face of the record, and we say that there was no jurisdiction.

There is another case to which I would direct attention, supposing jurisdiction to exist, to show the arbitrary and oppressive nature of these proceedings. I have also a number of other cases under the head of *habeas corpus, the return* and *the traverse of the return*. But I want particularly to allude to one case, cited by his Honour, the Chief Justice of this Court, in the case of Thomas vs. Crosson, and relied upon as authority on one point, establishing that the whole proceedings upon the traverse of the return before the Federal Judge were wilfully wrong and unjust to the defendant.

The case of Renney vs. Mayfield, in 4 Hayw. 166, cited by the Chief Justice, decides that the return being full and complete, and not evasive, was not traversable; but the case decided more than that. The *habeas corpus* was granted in favour of liberty to produce the body of a person who was alleged, by the respondent in his return, to be a slave. The respondent made return that he held the person, who was thus in his custody, as a slave. The relator, or the friends of the relator, offered a bill of exceptions to the return, in the way of traverse, alleging that it was untrue, and that the party was free. The Judges not only decided that the return could not be traversed, but also that, in those proceedings by *habeas corpus*, the question of freedom could not be decided at all. If in a slave State the question of freedom cannot be tested under a writ of *habeas corpus*, and if this be good law in a slave State, where a bill of exception is not allowed to traverse the return in favour of freedom, shall it be said that in a free State, where a free citizen, a respondent in a *habeas corpus*, makes a full, complete and unevasive return, that the party who asks to enforce the claim of property—not to relieve a party from unjust imprisonment—shall be permitted to traverse the return, when the result of the traverse is presumptions and conclusions by the Judge, which end in a commitment for contempt without bail or mainprize? Let us have equal law all around. This ought to be good law for us as well as for them. I know his Honour, the Chief Justice, so viewed it, or he would not have cited and relied on it in Thomas vs. Crosson.

I wish, before taking my seat, to call the attention of the Court to the case of Thomas vs. Crosson, to the very contradictory results which are to follow, and the very absurd relations in which we are to be placed hereafter, if the writ of *habeas corpus* be now refused. In that case (Thomas vs. Crosson), on motion for attachment against the Sheriff, he not bringing in the body, he was held to be in contempt, because he had not brought in the body. What was the justification set up by the Sheriff? That the defendant had been discharged on *habeas corpus* by the District Court of the United States. It is alleged that he was not justified by that discharge. Be it so. That was the law in Thomas vs. Crosson. The whole proceedings before the Federal Court were regarded and treated as nullities. Why? Because the Federal Court had no jurisdiction. It was so alleged and ably argued, by counsel, before the Chief Justice, and rightly decided by his Honour the Chief Justice and his associates. It is said that in this case we cannot avail ourselves of the want of jurisdiction, because the question was not raised in the District Court. Look at the arguments before Judges Grier and Kane, and the proceedings in Crosson's case, as reported in Wallace, Jr., and the Am. Law Jour. No question of jurisdiction was raised, so far as appears by the report of the several cases.

If, in Thomas vs. Crosson, the proceedings were held nullities, why should not the proceedings in Williamson's case, before Judge Kane, be held null and void?

If null and void when Crosson was discharged, the order being *coram non judice*, why not null and void when Williamson is incarcerated by an order and commitment *coram non judice?*

Suppose to-morrow, or any other time, this alleged slave (Jane) is found walking in the streets or highways of the Commonwealth of Pennsylvania, and she is abused, as was alleged in the case of Thomas, an affidavit is made under like circumstances, as in the case of Thomas vs. Crosson, and process, a *capias ad respondendum* is allowed by one of the Judges of this Court, upon which the officer is arrested, as in Thomas vs. Crosson. The District Court of the United States issues a *habeas corpus* to the Sheriff, who has arrested on the *capias ad respondendum*, and the Sheriff takes his instructions from the opinion in Thomas vs. Crosson. He appears with his prisoner before the Hon. Judge Kane, and says: "Sir, I have been instructed by the Supreme Court of Pennsylvania not to discharge the prisoner under such circumstances, and I have him in custody under the writ." His honour says: "I do not care for the writ. Mr. Marshal, take the Sheriff below, as for contempt in not obeying our order, and let the prisoner go free." The Sheriff is then required to answer a rule in this Court because he has not produced the body which he had under arrest; and when he comes to answer this rule for an attachment, he says in one breath, by his counsel, for he is below for contempt, that the prisoner was discharged by the interference of the District Court of the United States, on *habeas corpus*, and in the next breath he presents to your Honours a petition for a *habeas corpus* to relieve himself from prison; and you tell him that you cannot relieve him, the commitment being for contempt, and not bailable, and not within the *habeas corpus act*. It is true that he has acted under the instructions and the authority of the case of Thomas vs. Crosson. He did right to say to the honourable Judge of the Federal Court, "you have no jurisdiction; I will not discharge the prisoner." He did right in submitting to commitment for contempt of Court. You sustain him in it, in Thomas vs. Crosson, and yet will not relieve him on his petition for *habeas corpus*. This is a case which may at any time come to pass.

Chief Justice LEWIS—Why will not the Court relieve him?

Mr. GILPIN—Unless Passmore Williamson is relieved, I do not see how the Court could relieve him.

Chief Justice LEWIS—The difference between the case of Thomas vs. Crosson and the one now before us is, that Crosson and others were in arrest under the custody of a State officer, in pursuance of a process issued by a sovereign State, and that the act of 1789, giving jurisdiction to the United States Courts to issue writs of *habeas corpus*, expressly prohibits them from relieving persons in prison under State process. The act, therefore, cited here did not give them any jurisdiction in that case; it appearing, through the whole record, that the District Court had undertaken to nullify the process of the State, and to relieve a man from imprisonment under that process, in defiance of the act of Congress giving jurisdiction. Thus they put forward the

tioner complains, were absolutely *coram non judice*, and therefore null and void.

I put the case upon this ground distinctly. I am to show this clearly.

The record of that Court shows that a *habeas corpus* was issued on the petition of Mr. Wheeler, directed to Mr. Williamson, for the bodies of certain persons alleged by the petitioner to be owned by him, and held to service or labour by the laws of the State of Virginia, and to be detained from his possession by the said Williamson. The record does not allege that they were *fugitives* from service, or had *escaped* from the State of Virginia or any other State to the State of Pennsylvania, and the parole evidence taken in the case, as well as the opinion of the learned Judge of the District Court, show that in fact they had not so escaped, but had been voluntarily brought by Mr. Wheeler, their owner, into the State of Pennsylvania. The learned Judge, in his opinion, speaks of their being upon the navigable waters of the Delaware. In point of fact, as shown clearly by the evidence, they had been brought by Mr. Wheeler by land, through a portion of the State of Pennsylvania, and at the time of their alleged abduction were on board a steamboat lying at a wharf on the river Delaware. The present petitioner states these facts in his petition, and is ready to prove them, on a traverse, according to the Act of Assembly, if they should be denied in the return, or if they should be otherwise questioned.

The record itself, however, does *not* show that they were "fugitives from service or labour" within the provisions of the Constitution of the United States, and therefore they are to be taken *not* to have been so.

I. It is scarcely necessary to show by authority that a slave voluntarily brought by his owner into the State of Pennsylvania is not a *fugitive*, who has *escaped* from another State within the provisions of the Constitution. But without dwelling on other cases, I will remind the Court of the cases of Simmons (4 Washington Circuit Court Reports, 396), and Butler vs. Hopper (1 Washington Circuit Court Reports, 499), which are express to this point.

II. Not being fugitives within the provision of the Constitution of the United States, these alleged slaves, as well as their master, while within this State, were subject to the laws of this Commonwealth. Judge Washington says, in *Simmons's case*, which was an application for a warrant under the act of 1793:

"THE SLAVE IN THIS CASE HAVING BEEN VOLUNTARILY BROUGHT BY HIS MASTER INTO THIS STATE, I HAVE NO COGNIZANCE OF THE CASE, SO FAR AS RESPECTS THIS APPLICATION, AND THE MASTER MUST ABIDE BY THE LAWS OF THIS STATE SO FAR AS THEY MAY AFFECT HIS RIGHTS. IF THE MAN CLAIMED AS A SLAVE BE NOT ENTITLED TO HIS FREEDOM UNDER THE LAWS OF THIS STATE, THE MASTER MUST PURSUE SUCH REMEDY FOR HIS RECOVERY AS THE LAWS OF THE STATE HAVE PROVIDED FOR HIM."

In affirming this principle, Judge Washington merely conformed to the law of every country on earth which has any law, for it is impossible that the *status* of an individual within the jurisdiction of any government can be regulated otherwise than by the law of that government. It is said that in this case Mr. Wheeler was merely *in transitu* with his slaves—passing through the State of Pennsylvania, and that therefore they had not become free by being voluntarily brought into it. If that were so, it would still be so by the law of Pennsylvania, for no other law exists in the case, no clause in the Constitution of the United States applies to it. The domestic institutions of each State, including the rights of personal property, the *status* of individuals and the relations of husband and wife, parent and child, master and apprentice, master and slave, etc., are subject to the regulations which the State itself may choose to adopt, and those who voluntarily come upon her soil or within her jurisdiction must, while there, abide by them. The Constitution of the United States provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and under that clause a citizen of another State who comes to Pennsylvania is entitled to all the immunities and privileges of a citizen of Pennsylvania, but to no others. To those, and those only, was Mr. Wheeler entitled here under that clause. I am not aware that, until within some two or three years past, it has ever been seriously contended anywhere that the *status* of an individual is not to be governed by the law of the jurisdiction in which he actually is for the time, whether for the purpose of transit or any other purpose. In fact, no such principle would be practicable or possible to be carried into effect consistently with the provision of any law, without creating utter confusion. Take, for instance, the case of a master and slave. The Constitution of the United States is part of the law of Pennsylvania, and provides that a fugitive from service, escaping from another State, shall be delivered up to his claimant. While such fugitive is in custody within the State of Pennsylvania, it is for the purpose of being so delivered up, and carried out of the State, and the same law applies to him as to other prisoners lawfully in custody. But as the Constitution of the United States does not provide for the case of a slave voluntarily brought by his owner into Pennsylvania, suppose that by the law of Pennsylvania the relation of master and slave has been absolutely abolished, and that, notwithstanding, it should be determined that the relation shall continue to exist between master and slave in transit through the State, what will follow? The relation of master and slave, like every other relation, consists in their reciprocal rights and duties, and their sanctions. In the case supposed, the law of Pennsylvania recognises no rights or duties or sanctions. Is the law of another State to be superinduced upon the soil of Pennsylvania? If the tribunals of Pennsylvania be appealed to, they have no jurisdiction but what has been conferred by her constitution and laws; and in the case supposed none would have been conferred over the subject. If the tribunals of the United States be appealed to, the Constitution of the United States has no provision on the subject, and if it had, Congress has conferred no jurisdiction on any Court of the United States in regard to it, and they can exercise none when it has not been so conferred.

How then are the rights of the master to be enforced? Is he to be left to execute the laws of his own State upon the slave at his own pleasure, and according to his own understanding? If so, suppose a citizen of Pennsylvania seduces or abducts his slave, is the master also to execute the law, as he understands it, upon such citizen? That would be clearly not to be tolerated; and yet in the case supposed, no Court or tribunal exists that would have any jurisdiction in the case, or any law applicable to it.

The same obstacles would exist to the introduction of the principle, in the case of any other relations, whether of person or property. It is impossible even to conceive, much less to establish, the practicability of any such system. In this case, therefore, the question of the right of the master and his alleged slaves, voluntarily brought into Pennsylvania, whether in transit or otherwise, depended on the law of Pennsylvania, and on nothing else. The legislature of Pennsylvania, from comity or courtesy, might provide that the relation should continue in such case, and certainly did so provide in the act of 1780, under which the relation in such case was governed and regulated by our own previously existing Slave Laws, which were continued in force for that purpose. But such comity or courtesy is to be exercised by the legislative authorities, and if they have repealed that provision, no judicial tribunal has a right to reestablish it.

III. I shall not discuss the question whether these alleged slaves did by the law of Pennsylvania become free or not. I think it wholly immaterial to the matter now before the Court. That question, if it be a question, is no doubt interesting to the parties concerned in it, and it may become highly material to Mr. Williamson, if Mr. Wheeler should proceed against him civilly or criminally in an appropriate forum. As a citizen of another State, he has, of course, a right to a civil action against Mr. Williamson, being a citizen of Pennsylvania, in the Circuit Court of the United States, by reason of the *parties*, and not of the *subject matter*, and if such an action should be brought, it would be the duty of that Court to administer in this regard the law of Pennsylvania, and no doubt they would do so. If he should choose to proceed to enforce any alleged right against Mr. Williamson, or to punish any alleged offence of his, the Courts of Pennsylvania are also open to him. But that is not the question. Therefore, I repeat, that I will not argue the question whether these persons are by law free, or not; though after reading the act of 1780, and the act of 1847, it may admit of no doubt that they were in fact, by our law, as free as any other persons upon our soil, and that the comity or courtesy which had been extended by the former act, was (whether for sufficient reasons or not, it is not for me or the Court to decide) withdrawn by the latter. We are all bound to respect the lawful exercise of the legislative power by the constituted authorities of our own Commonwealth, and it is our duty to obey their acts. Forced into an *ex parte* argument, I shall not ask the Court, in the absence of Mr. Wheeler, to express an opinion upon a question which I conceive to be not material in the matter in hand, and on which he certainly has a right to be heard.

IV. On this state of the case I submit that the District Court of the United States, nor the Judge thereof, had no authority whatever to issue the writ of *habeas corpus* under which the present petitioner was committed. Congress could not, under the provisions of the Constitution, have conferred such authority upon any tribunal of the United States, and, even if they could, they have not done so. It is clearly and absolutely a direct usurpation without colour of right. I am not dealing with the motives of the learned Judge of the District Court, for every man is subject to the error of judgment, and besides the esteem and personal regard which I entertain for that learned Judge, my respect for this Court would prevent me from the discourtesy of making it an arena in which to assail unnecessarily the motives of a Judge sitting in another tribunal.

Still, the question remains, in what clause of the Constitution, or in what act of Congress, is to be found a word or syllable that can be so construed as to validate the jurisdiction which he has assumed in this case? And the answer is, *in none*.

The writ of *habeas corpus* is not a proceeding *inter partes*, and if it were, and the parties were considered to be Mr. Wheeler and Mr. Williamson, the Circuit Court of the United States would have jurisdiction in a civil action by reason of their respective citizenship, not because of the subject matter; but even in that case the District Court of the United States could have none.

But the *habeas corpus cum causa* is not at all a proceeding *inter partes*. It is the inquisition of the Crown into the cause of the imprisonment of one of its subjects: it is the inquisition of the Commonwealth into the cause of the imprisonment of one of her citizens: and it can be prosecuted only in the Court of that Government upon whom the protection of the liberty of the citizen, in the particular case, devolves.

Judge Betts's opinion in the case of *Barry vs. Mercien*, contains so clear and lucid an explanation of the law on this subject, that it is not necessary to do more than refer to it.

Now, under the Constitution of the United States, what interest has the Government of the United States in the question of the domestic relations of individuals on the soil of Pennsylvania, or of the domestic institutions of this or any other State, or how has the protection of such relations or such institutions been devolved upon any branch of that Government? Not only is there nothing in the letter of the Constitution of the United States to sanction such a claim, but it is inconsistent with, and subversive of, the whole spirit, intent and meaning of that instrument, and of the inherent and essential rights of the several States. It goes to the root of our frame of Government, and it would be destructive of all its principles.

Even if this were not so, no act of Congress has conferred the power to issue a *habeas corpus* in such case.

The power of the District Court to issue writs of *habeas corpus* are three-fold.

1. Under the act of 1789, to issue that writ in cases necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law. But in this case that Court had no jurisdiction for the exercise of which this *habeas corpus* was either necessary or agreeable to the principles and usuages of law.

2. A Judge of the District Court (by the same Act) may grant a writ of *habeas corpus* for the purpose of inquiring into the cause of commitment (*that is to say, commitment under process*) provided such writs shall in no case extend to prisoners in jail (*that is, so committed*) unless they are in custody under or by colour of the authority of the United States, or are committed for trial before some Court of the same, or are necessary to be brought into Court to testify. This case cannot be pretended to be within any of those clauses.

3. Under the "Force Bill" the District Court of the United States may issue a *habeas corpus* in certain cases of persons committed under a State authority by reason of acts done in pursuance of the act of Congress of the United States. This case does clearly not fall within that clause. The opinion of Judge Betts, in *Barry vs. Mercien*, above mentioned, shows conclusively that in this case no jurisdiction whatever to award a *habeas corpus* existed in the District Court. It is clear, therefore, that the District Court had, neither under any clause in the Constitution, nor under any act of Congress, jurisdiction over the subject matter, or to award the writ of *habeas corpus* under the proceedings in which Mr. Williamson was committed, and that all those proceedings, including his commitment, were null and void, as if a private person without any judicial authority had assumed to conduct and enforce them.

V. I have thus far considered the case as it stands upon the record, and as the facts are known to exist, and to be undisputed. But it has been suggested, that in some way or other, a presumption may be raised of a fact, not appearing on the record, and well known not to be true, viz: (*that the alleged slaves were fugitives, and had escaped from Virginia or North Carolina into Pennsylvania*), by which presumption the jurisdiction of the District Court may be endeavoured to be bolstered.

1. I deny that any such presumption can lawfully be made. The Courts of the United States, being Courts of limited jurisdiction, the circumstances necessary to give them jurisdiction, ought to appear affirmatively on their record, and if they do not so appear they cannot be presumed.

2. If the Court had the discretion, in any case, to raise such a presumption, they would not raise it against what they know to be the real truth and verity of the case.

3. This record shows no finding of any fact, or proof of any fact or decision of the Judge of the Court upon any fact necessary to give jurisdiction. Suppose the Court were to raise the presumption that the petitioner in the District Court stated in his petition that these were fugitives, and had escaped from the State of Virginia, which he has not stated, still, for all that appears upon the record, it would remain merely as the statement of his petition. For though the record shows that there was a return, yet it does not show that there was a traverse, though no doubt what was called a traverse was admitted by parole against law, as I consider it, yet the commitment is as for a contempt in refusing to make any return and upon this record the presumption referred to would be to supply a defect in the mere statement of the petitioner himself, and not a presumption of *omnia rite acta* by the Judge.

In the *habeas corpus* under which the Judge of the same District Court discharged the defendants in Thomas vs. Crosson, who were held under a *capias* specially allowed by a Judge of this Court upon affidavits in a case in which the jurisdiction of this Court was undoubted, he held himself so far from being bound to raise presumptions in favour of this decision which had been made by the Judge of this Court, or to supply any defects in the affidavits on which that decision was grounded, that on a very critical examination of the affidavits, he arrived at the conclusion that the Judge had been wrong in allowing the *capias*, and therefore discharged the prisoners.

4. Even if this record had shown these persons to be fugitives from service, having escaped from another State, and therefore within the provisions of the Constitution of the United States, and if that fact had been undisputed, still the District Court would have had no jurisdiction to award the writ of *habeas corpus* now complained of. The act of 1850 purports to give that Court, as well as the Commissioners of the United States, jurisdiction to issue a warrant for the arrest of the fugitive, and also in case of rescue or abduction to give the District Court jurisdiction to proceed by indictment against the rescuer or abductor, and on the conviction, after trial by jury, to inflict an imprisonment not exceeding six months, and a fine not exceeding a certain sum. But it cannot be pretended that that act gives any right to issue a *habeas corpus* against any citizen of Pennsylvania in whose custody the alleged fugitive might be alleged to be. The warrant would take the fugitive from any private custody. The writ of *habeas corpus* is unnecessary for the exercise of his jurisdiction in this case.

The Commissioners of the United States, mere officers appointed by the Judges and removable at their pleasure, have the same jurisdiction in regard to the issuing of warrants for fugitives that the Judges of the Courts themselves have, and have all the powers necessary to the exercise of that jurisdiction, but of course they would have no power to issue a writ of *habeas corpus*. Nor can it be conceived in any case that the writ of *habeas corpus* is necessary to the exercise of the jurisdiction of granting a warrant immediately for the arrest of the fugitive. It is equally clear that the issuing and proceedings on a writ of *habeas corpus*, such as have occurred in this case, are not only not authorized by the act of 1850, but are implicitly prohibited by that statute; for when it provides for the indictment, trial and ultimate punishment of a rescuer or abductor, it does in effect provide that he shall not be in any shape convicted of such abduction without a trial by jury, or, in case he be guilty of it, be coerced by an imprisonment for contempt on a *habeas corpus*, or in any other mode to restore the fugitive. The restitution of the fugitive is no part of the judgment provided for against him. The common law proceeding *de homine replegiando* (which is by no means unfamiliar in our practice), or an action for damages remain open to the party claimant, in which also the trial is to be by jury. Congress has authorized a summary decision, without jury, upon the claim to the fugitive slave, but has not given the shadow of authority to any Judge, Court or Commissioner of the United States, without jury, summarily to decide upon the fact of the abduction of the slave by a citizen, and, having found that, to coerce the restitution of the fugitive by the indefinite imprisonment of the alleged abductor. The proceedings here complained of would have been glaringly and clearly beyond the jurisdiction of the District Court, even if these persons had been fugitives. The proceedings would have been just as null and void as they are now.

Third. In every case in which one Court has refused to inquire into the causes of commitment for contempt by another Court, the ground is clearly stated that that refusal was because the committing Court was a Court of competent jurisdiction. It follows, therefore, from all these cases, which I need not repeat, that if the Court be not a Court of competent jurisdiction, a commitment for contempt is no more beyond remedy than any other commitment.

In Holden vs. Smith, already referred to, judgment was obtained in an action of trespass for false imprisonment against the Judge of a Court of record who had gone beyond his jurisdiction in committing the plaintiff for a contempt.

It has been suggested that, in some mode, the present petitioner is to be injured or his rights affected, because he did not object to the want of jurisdiction of the District Court before that Court itself. I would observe upon this,

1. That it does not appear by the record that he had any reason to raise the objection there; for as his return was that he had not, and never had had, the possession or custody of the parties named in the writ, and as that return was, by law, conclusive, it was surely not incumbent on him to raise the abstract question whether, if he had had them, he would have been bound to produce them.

2. It appears from the statement of the petitioner as to the course of the proceedings and the time that was occupied with them, and the suddenness with which the whole matter was pressed upon him, that it would have required extraordinary presence of mind to raise any objection. Perhaps few men would have been able to collect their thoughts. The traverse of the return—the evidence upon that—the question of his commitment for perjury—the question of his commitment for contempt in refusing to make any return—would appear to have been all going on simultaneously, and the hearing upon all to have been concluded within the space of something more than two hours. I can have no personal knowledge of the facts (not having been present at or concerned in that hearing), but, taking the petitioner's statement of them, he would appear rather to have been *hustled* than heard.

3. It is believed to be the first time that the proposition has been advanced that a party unlawfully summoned in judgment before a tribunal that has no jurisdiction is bound to make the objection of the want of it. In the case of *Holden vs. Smith*, it did not appear that any objection to the want of jurisdiction was made in the Court whose acts were complained of. In the case of *Thomas vs. Crosson*, decided by three Judges of this Court, it did not appear that any such objection was made. Yet in both those cases the proceedings were held to be null and void. In no case that I am aware of, where the question has been of the nullity of the proceedings for want of jurisdiction, has it been deemed material to inquire whether such objection was made, unless where *motive* becomes material to inflame damages. Indeed, if there be no jurisdiction, there is as little need to decide the question of jurisdiction as any other. How is it that a party can lose his rights by refusing to submit the question of jurisdiction to a Court that is incompetent to decide it? In certain civil cases in the Supreme Court of the United States, referred to by the Chief Justice, in his recent opinion, it has, indeed, been held that where the jurisdiction of Courts of the United States did not appear affirmatively on the record, they would not hold the proceedings absolutely null and void, as regarded the parties, since they might be reversed upon writ of error. But I do not understand that in these cases the party lost his right to object to the want of jurisdiction, by omitting to make the objection in the Court below. On the contrary, I gather from them that the decision would have been the same, even if that objection had been so made.

I speak of the opinion recently delivered by the learned Chief Justice of this Court, in this case, without any reserve, because I know that if, from the haste with which it was necessarily prepared, he has fallen into error, no man living will be so anxious to correct that error as himself.

I observe upon these cases—

1. That they were merely civil actions *inter partes*.

2. That the defects in the averments there were probably merely formal and accidental, and that, according to the real truth of the facts, the Courts had jurisdiction.

3. That no offer was made to go behind the record of a Court of limited jurisdiction, and show, as is offered to be done here, that, in truth, the fact necessary to give jurisdiction did not exist.

4. That in these cases there was a fact consistent with the record, a presumption of which might be raised, that would give the Courts jurisdiction; whereas, in the present case, as I have endeavoured to show, there is no fact consistent with the record which, even if the presumption of it be raised, would bring the case within the jurisdiction of the District Court. If the Court of Common Pleas of Philadelphia were to entertain an action of ejectment for land in Allegheny County, can it be supposed for a moment that the Sheriff would be justified in executing an *habere facias* under its judgment, or that the defendant would be bound to defend the action, or reverse the judgment on error? No man can maintain that to be the law.

5. That the reason upon which these decisions appear to be founded, to wit: that a party in the suit has another remedy, by reversing the judgment on a writ of error, does not exist here, the Supreme Court of the United States having decided, in the case of *Barry vs. Mercien*, in 5 *Howard*, that no writ of error lies to the decision of an inferior Court of the United States on a *habeas corpus*.

6. I will observe further that if a writ of error did lie from the decision of the District Court, it would only be to another Court of the United States, and the case of the petitioner here would be as strong as it is now, even if the Supreme Court of the United States had affirmed the decision of the District Court. Where the question is of a direct usurpation by the Courts of the United States upon the rights of the State, it is immaterial by which of such Courts that usurpation is made, and though none such can be anticipated from so august a tribunal as the Supreme Court of the United States, still, in point of law, if it were attempted, the duty of checking it would devolve upon the State tribunals. In *Olmsted's Case*, already cited, in which Chief Justice Tilghman expressed clearly the extent and ground of that duty, the proceeding was, in fact, had under a decision of the Supreme Court of the United States, who had awarded a *mandamus* to the District Court to issue the process complained of. In fact, every proceeding by which the Courts of one Government do, in fact, usurp upon the rights of another, is null and void as against the Government usurped upon, and is to be so held in her Courts, who, where the substantial fact of usurpation exists, have no right to resort to fictitious presumptions against the truth, for the purpose of supporting the usurpation which it is their duty to resist.

I have endeavoured to establish my positions. As regards the proceedings of the District Court, I have argued the question of jurisdiction only. The errors in law in other respects of these proceedings I shall not enter upon. The odd use of the writ of *habeas corpus* in applying it to the purpose of depriving a party of liberty, instead of restoring it—the allowing a traverse of the return, which can only be allowed by statute, and which no statute allows in the Courts of the United States—the taking that traverse by parol merely—the assuming to decide upon it the fact of abduction upon insufficient evidence, and from that to deduce a continuance of custody on no evidence at all—the absolute inconsistency of the record, which, after setting out a full, complete and unevasive return, proceeds to a commitment for a supposed refusal to make any return—I do not know that all these and other errors would, of themselves, enable this Court to interfere, if the District Court had jurisdiction of the case. But, as that Court had no jurisdiction, these circumstances, all of them operating oppressively on a citizen entitled to your protection, do greatly aggravate the case, and enhance, if that be possible, your just obligation to relieve him. They do indeed tend to show a want of jurisdiction, for surely Providence would never have permitted a Court of competent jurisdiction to fall into so many errors in one case.

Nor shall I say anything of the official position of Mr. Wheeler. I regard him as a citizen of another State, and entitled, while here, to all the immunities and privileges of a citizen of Pennsylvania. His position as a minister of the United States to a foreign country, neither diminishes nor enhances his privileges in this.

This argument is necessarily summary and incomplete, both as regards the illustrations and the authorities. Of the latter, the few to which I have referred have been principally the decisions of highly esteemed judges of the Courts of the United States and of this State. We desire only that those safe and reasonable views of their own powers which they have heretofore expressed, shall continue to be acted on by the successors of both.

We do not ask this Court to trench in any way upon the just authority of the Courts of the United States. They have a large scope in the construction of the Constitution and statutes under which they act. It is right that great deference should be always paid to their construction of the meaning of any clause in the Constitution of the United States, or in any act of Congress, and that, as a general rule, such construction should be left very much to them; but where (as in this case) there is no clause in the Constitution, or in any act of Congress, which, upon any construction, can be held even to refer to the subject matter over which a Court of the United States undertakes to assume jurisdiction—where the usurpation therefore is obvious and palpable—the citizen can have no recourse for relief but to the Courts of his own State.

I now leave the matter in the hands of the Court. It is impossible to conceal from ourselves the fact that the essential rights of this Commonwealth are invaded. This position of things is inauspicious. To correct it, nothing is wanted but the firm and temperate discharge of your duties as magistrates and ministers of the law.

Pennsylvania has always truly performed her duties to her sister States. If it were justifiable to occupy the time with matter not directly pertinent to this case, I would go into the details and show how clear of just reproach her career has been. Whatever may happen, she will never be mean enough to enjoy the benefits of the Constitution, and at the same time refuse to fulfil in good faith her obligations under it. She deserves all our love and affection. Yet there may be some—sons, too, of her soil—who ignore the assault upon her liberties—who affect not to see that she is struck at and hurt—who, in the fervency of their superserviceable protestations of fealty to the domestic laws and institutions of other States, have no time nor thought to bestow upon the question of the invasion or even overthrow of those of their own.

The question here has nothing to do with the rights or wrongs, the conduct or misconduct of the North or the South. It concerns principles on which all are agreed. THAT EACH STATE HAS THE RIGHT TO REGULATE HER OWN DOMESTIC RELATIONS AND INSTITUTIONS — THAT THE COURTS OF THE UNITED STATES HAVE NO RIGHT TO INTERFERE WITH OR CONTROL THEM—THAT CITIZENS OF OTHER STATES WHO COME UPON HER SOIL ARE, WHILE THERE, BOUND TO RESPECT AND OBEY HER LAWS—THESE, I say, are the principles involved here, and they are quite as dear to the SOUTH as to the NORTH; they ought to be quite as dear to the NORTH as to the SOUTH.

It has come to the point that, failing your aid, they are no longer safe in Pennsylvania. I invoke that aid with confidence, and, if it be granted, the rights of the Commonwealth will have been vindicated, and the affair from which these questions have originated—untoward in all its aspects—will be left to be determined by the laws of the State, in some appropriate forum.

TOMPKINS COUNTY AHEAD.—Mrs. Foster Ervay, residing in the town of Newfield, in this County, on Sunday morning gave birth to four fine children, three girls and a boy. The weight of each was five pounds to a fraction, as we are informed by Dr. Sherwood, who was present, and reports the mother and children as doing well.—*American Citizen.*

National Anti-Slavery Standard.

WITHOUT CONCEALMENT—WITHOUT COMPROMISE.

NEW YORK, SATURDAY, SEPTEMBER 8, 1855.

THE CHARACTER OF THE NORTHERN EMIGRATION TO KANSAS.

THE presses of the slave States, of which it may be said with strict truth that they print and publish, either under the fear of Lynch law, or under the inspiration of its spirit, have stigmatized our fellow-citizens, who have nobly volunteered to pioneer freedom into Kansas, as "crime-polluted and paupers." We refer more particularly to the *Richmond Examiner*, but the calumny has gone the rounds of the slave newspapers.

From what we know of our neighbours and our acquaintances who have gone to Kansas, and all that we have heard and read of others, we feel confident that a more baseless and libellous assertion could not be made. This emigration is as pure as that of the Pilgrims or the Huguenots, and more disinterested than either.

But admitting, for argument's sake, that the assertion were true, would it not be highly commendable in these men and women to arouse themselves, in the face of brutal and murderous threats and outrages, to this effort for independence and a new life? What better could they do for themselves, their families or their country, than to start afresh on a virgin soil, remote from painful recollections and depressing influences? In all ages colonization has received its greatest impulses from the necessities, sufferings and often despair of those who have achieved it. Even criminals of a deep dye, have been more rationally employed in laying the foundation of new States than in dangling idly in the air, which Voltaire justly called the poorest use that could be made of them. They obtain in new settlements the consolation of a true democratic equality, the encouragement of sympathy, and the purifying and strengthening influences of conscious independence. Hence respectable communities and great States have grown out of penal colonies, and men and women who "left their country for their country's good" have made a good country for themselves.

For example, Virginia, *magna mater, magna virum*, the mother of nearly every one of those States which propagate the malicious libel to which we allude, and which would be aristocratic and inhuman even if it were not false, was the receptacle of a population transported from the mother country as a commutation for hanging and other terrible punishments of felony. It would seem as if the most desperate of those felons had got the elixir of life, had now gathered in Missouri, and appointed the most accomplished of their gang to be the legislators of Kansas. A lively impression of the foregoing historical fact is conveyed in a passage of *Defoe*, author of Robinson Crusoe, who was nearly contemporary with the commencement of the system of deportation, and precisely contemporary with that state of colonial society which he describes:

"We arrived in York River, in Virginia, and coming to our plantation, we were received by my husband's mother, with all the tenderness and affection that could be expressed. My mother was a mighty good-natured woman, and used to divert me with abundance of stories about the country and the people. She often told me that the greatest part of the inhabitants of that colony were of two sorts. First, such as were brought over by the masters of the ships, to be sold as servants. Second, such as were transported after having been found guilty of crimes punishable with death. When they come here, says she, we make no difference. The planters buy them, and they work together in the field, till their time is out. When that is expired, they have encouragement given to plant for themselves. For they have a certain number of acres of land allotted them by the country, and they go to work to clear and cure the land, and then to plant it with tobacco and corn for their own use; and as the merchants will trust them with tools and necessaries, upon the credit of their crop before it is grown, so they again plant every year a little more than the year before, and so buy whatever they want with the crop that is before them. Hence, child, says she, many a Newgate-bird becomes a great man. We have several justices of the peace, officers of the trained bands, and magistrates of the towns they live in, that have been burnt in the hand. With a great deal of good-humoured confidence she told me she was one of the second sort of inhabitants herself. And here's the mark of it, child, says she, and shows me a very fine white arm and hand, but branded on the inside of the hand. She said, smiling, you need not think such a thing strange, my daughter; for some of the best men in the country are burnt in the hand, and are not ashamed to own it. There's Major ——, he was an eminent pickpocket. There's Justice Ba—r, he was a shoplifter. Both of them were burnt in the hand, and I could name you several such as they are. Here my mother-in-law ran out into a long account of the wicked practices in Newgate. Depend upon it, says she, we all know here that there are more thieves and rogues made by that one dreadful prison, than by all the clubs and societies of villains in the nation. It is that cursed place that half peoples this colony."

It is pretended that the hideous and loathsome beings who now give law in Kansas with, the countenance and cooperation of Pierce and his Cabinet, find some kind of justification in the circumstance that the Emigrant Aid Society have lent their assistance in lightening the expenses of the journey, erecting saw-mills, &c. There can be no use in *reasoning* with wretches who are capable of alleging such an excuse for infamous crimes. But we would remind Mr. Benton, whose busy brain invented this subterfuge to propitiate ruffians who will never forgive the virtue and decency he has at times manifested, that both the *Plymouth* and *Jamestown* emigrants were started and aided by powerful corporations at home; and that, in all probability, without the impetus and aid thus imparted, those settlements would not have been made. The Greek Colonies, the most famous, prior to the English, were always assisted from the public treasure, or by the bounty of the citizens remaining at home, or by both.

R. J. BRECKINRIDGE TWENTY-ONE YEARS AGO.

Letter of the Rev. R. J. BRECKINRIDGE *to the N. Y. Evangelist, Oct.* 18, 1834. J. LEAVITT, *then Editor.*

——"I DO believe, and have long and repeatedly maintained, that slavery is a sin to him who in any way supports it. In support of this opinion, I did, in 1830, stake and lose in Kentucky, whatever political influence years of previous and not unsuccessful effort had secured; and in 1833 I did refuse to sit as a corresponding member of the Synod of Kentucky, after that body refused to say that God's law condemned slavery.

"I have continually held that this whole nation and world are bound to use all lawful means to put an end to slavery everywhere upon earth; and that to do this, we are all bound to use legal means where they exist, and moral means always.

"That the Congress of the United States has power to abolish slavery in the District of Columbia, no reasonable man can doubt; that this power should be exercised without delay, every humane man ought to admit," &c., &c.

* * * * * *

"I firmly believe" that the 9th section of article 1, "does expressly allow Congress to regulate, and, if need be, to prohibit both importation from foreign countries and emigration from State to State, of the persons intended in the words"—i. e. slaves.

By comparing the above with the sentiments avowed by Dr. Breckinridge in his recent letter to Senator Sumner, the reader may see a striking illustration of the corrupting influence of slavery upon all those who, in opposition to their own ideas of abstract justice, connive at it in practice and voluntarily place themselves in social, political and religious fellowship with slaveholders. If, in 1834, instead of seeking to ease his conscience by merely professing anti-slavery *opinions*, while retaining his connection with a slaveholding church, he had put himself consistently, in action as well as sentiment, in open and uncompromising hostility to the system, he might not only have preserved his own soul from degeneracy, but have done a mighty and a glorious work for his native State and for the whole country. Now he is sunk to the level of those who, in the name of Christianity, would fetter the limbs, imbrute the intellects and corrupt the souls of God's immortal children!

DEATH OF REV. DR. CONE.—The city journals are heaping fulsome eulogiums upon the late Rev. Spencer H. Cone, D.D. (Baptist), who died on the 28th ult., at an advanced age. Whatever others may say, *we* cannot forget that the Doctor has been from the first one of the most unscrupulous opponents of the anti-slavery cause, and foremost among those who have sought to hide the wickedness of slavery under the mantle of Christianity, and to persuade the North to render a prompt obedience to the Fugitive Slave law. To call such a man a Christian, still more a Christian minister, is to libel Him who came to deliver men from bondage, not to enslave them. Whatever may have been his professions, he was a practical Atheist, a contemner of God and his laws. And yet so-called anti-slavery religious journals prate of his eminent piety and the completeness and beauty of his Christian character! If he had been suspected of unsoundness upon any point of doctrine laid down in the popular creed, the same journals would scarcely have admitted the possibility of his getting into Heaven, even though his life had been devoted to works of charity and mercy!

CONVENTION AT NORRISTOWN.

Reported for THE STANDARD.

A MEETING of the friends of freedom, called to take into consideration the present aspects of the question of slavery, was held at Norristown, Pa., on Saturday, Sept. 1st.

Rev. JAMES M. WILSON, of Philadelphia, was called to the chair, and Robert Purvis, James Mott, Sarah Pugh of Philadelphia, Mr. Cheyney of Norristown, Thomas Garret and Isaac S. Flint of Delaware, and the Rev. A. T. Foss of New Hampshire, appointed Vice-Presidents. Clinton Gillingham and Abby Kimber were appointed Secretaries.

Mr. WILSON, on taking the chair, expressed his satisfaction at being present at such a gathering. Anti-slavery, and that in its most unadulterated form, was no new thing to him. He had little concern with subordinate or side issues, but wished to grapple with the naked question of slavery. He was proud to be connected with a church that had never allowed its pulpit to be desecrated by the blood-stained hands of a slaveholder, and the members of which were faithful, in word and deed, in condemning the institution. And this, he maintained, could be said of no other sect in the country. To the question as to what church it was, he answered the Reformed Presbyterian (old school), commonly known as Covenanters.

LUCRETIA MOTT mentioned, as an evidence of the fidelity of this Church, that when George Thompson, on his first visit to this country, found other places in Philadelphia shut against him, Mr. Wilson opened his church to him. Others testified that it was not the congregation alone over which Mr. Wilson presided that deserved the thanks of Abolitionists, but the connection generally.

At the close of Mr. Wilson's speech, he remarked that, though it was not customary to open such meetings with prayer, he believed it was customary to allow any one who felt so disposed to appear in supplication, and he therefore invited any one who wished to to come forward. No one appearing, the Rev. gentleman himself offered an earnest and impressive prayer.

Mr. MCKIM submitted a resolution (No. 1 of the series), which he thought might be made the text of any remarks to be made to the meeting, and be then submitted to the Business Committee.

Mr. Foss, of New Hampshire, then took the stand, and justified his reputation, as an able and efficient champion of anti-slavery, to the audience which now heard him for the first time. He was opposed to slavery anywhere and everywhere, and under all circumstances. He had not much faith in this new movement called Republican, that restricted its operations to excluding slavery from Kansas and Nebraska—that was for doing right as far as the Constitution and its compromises allowed them. He did not believe in bowing down before the authority of a Constitution that required him to return the fugitive, and wished to know if we should feel ourselves justified in thrusting one back into the jaws of death, from which he had barely escaped, by saying that a Constitution requires it of us! No more did he care to look at texts which men might bring him from Deuteronomy or Leviticus, in their eyes warranting a return of the poor fugitive. To him, the light which shone around the Mount made memorable by the sermon of Jesus was more attractive than the twilight of an older dispensation. Mr. Foss was listened to with the most marked attention, and his remarks found a hearty response from his auditors.

Mr. CURTIS, of Philadelphia, spoke of the words of the resolution, that slavery was unmixed and immitigable villany. He wished us to weigh our words. If there was unmixed villany anywhere, there were unmixed villains somewhere. He spoke of the influence of slavery in corrupting our churches. We had seen a great many new and outrageous interpretations foisted upon the community in obedience to slavery, but now the very words of the Bible were altered. The word "white" we had known long to have been interpolated into the Declaration of Independence, but now we were getting it put into the Bible. He had a copy of the Bible in his hand in which, practically, we had the reading, "Come to me, all ye whites, weary and heavy laden, and I will give you rest." He showed a copy of the Bible prepared for the Southern market, illustrated by a copy of Ary Scheffer's beautiful and touching picture of Christ the Consoler. In the original, the sick, the mad, the halt and blind and deaf are in the presence of the Saviour, and are freed of their burdens. The slave lifts up his manacled hands and the chains drop off. Beneath are the words, "Come to me, all ye who are weary and heavy laden, and I will give you rest." In the copy made for Southern consumption, the slave is omitted. Thus are painting and scripture garbled to pander to the peculiar institution. Now, this might not show that the publishing Societies of the various denominations mutilated the Bible, but it showed that publishing houses had discovered that the South could not bear the universal application of the words of the Bible.

The Rev. Mr. MILLIGAN, of the Reformed Presbyterian Church, objected to the disposition to establish a contrariety between the Old and New Testament. It was not necessary to look to the New Testament to find the sternest rebukes of oppression. The command from Sinai, "Love thy neighbour as thyself," was as emphatic a condemnation of the whole system of slavery as the command of our Saviour, "Whatsoever ye would that men should do unto you, do ye even so unto them, for this is the law and the prophets." In truth, when you bring slavery to the standard of the Decalogue, you find it a violation of every individual commandment. It attacked the rights of man in every particular held sacred by the laws of Moses, and it robbed God of those rights which the first table of the law demanded from his creatures.

After some informal and rambling discussion, the Convention took a recess of an hour.

AFTERNOON SESSION.

The Business Committee, consisting of E. M. Davis, Dr. K. G. Thomas, R. Tomlinson, Sarah Pugh, Mahlon B. Linton, Samuel Aaron, Thomas Curtis and Rebecca Plumly, reported the following among other resolutions, which were unanimously and enthusiastically adopted:

Resolved, That simply to pronounce American slavery a moral evil would be to use terms of but feeble significance; that the system would be inadequately characterized as a scheme of unmixed and immitigable villany, admitting of no palliation and susceptible of no apology, and that it is stopping short of the whole truth to say that the system, in its entire growth, root and branch, bud, blossom and fruit, is evil—only evil, and that continually.

Resolved, That the conduct of Judge Kane, in assuming powers not within the limit of his prerogative—in prostituting the writ of habeas corpus to the uses of slavery—in hearing evidence and arguments upon a charge of perjury, and then stealthily sinking that charge that he might despoil the respondent of the right of trial by jury, and, on the

reporter's account of the above meeting in a passage which we will not withhold from our readers:

"It was a great meeting. The hall was packed full, and the enthusiasm was unbounded. The resolutions will show for the temper of the meeting. The condemnation of Judge Kane was unanimous and unqualified. The people would not only not listen to any apology for the man, but they would hear nothing that might be construed into an apology.

"Jane Johnson was present and appeared on the platform. This itself produced a deep impression; but when, by request, she rose and told her story, there was not a dry eye or an unmoved heart in the audience. That such a woman, so intelligent, so lady-like in every way, so respectable, should have been the subject of such base treatment, was more than could be endured with patience. The speakers boiled over with feeling and the people responded to their utterances."

TRIAL OF THE EMANCIPATORS OF WHEELER'S CHATTELS.

On Wednesday morning, Aug. 29th, William Still, Wm. Curtis, James P. Braddock, John Ballard, James Martin and Isaiah Moore, the coloured men who aided in giving liberty to Jane Johnson and her children, the former slaves of the American Minister to Nicaragua, Hon. John H. Wheeler, were put upon their trial, upon the charge of riot and assault and battery, in the Court of Quarter Sessions, in the city of Philadelphia, Judge Kelley presiding. Passmore Williamson was also included in the indictment, but was not arraigned, Judge Kane still holding him in duress. Wm. B. Mann, the District Attorney, and David Webster, Esq., appeared for the prosecution; Charles Gibbons, Esq., for William Still, and W. S. Pierce and William Birney, Esqrs., for the other defendants.

The trial is but meagerly reported in the Philadelphia papers, and we are disappointed in the anticipation that one of our Philadelphia Correspondents would furnish us with a condensed and accurate account of the proceedings. This must be our excuse for any deficiencies or omisions in what follows.

We need not publish the testimony, as the facts are all familiar to the public. Wheeler, who had been announced (whether with his own connivance or not we do not know) as having taken his departure for Nicaragua some days before, turned up as the principal witness against the accused. His testimony was substantially the same that he gave before Judge Kane. He swore that the defendants came on board the boat headed by Mr. Williamson; that Williamson, and the defendant Still talked to the woman Jane, and endeavoured to persuade her to go off the boat; both Still and Williamson telling her that she was free and urging her to go ashore; she was asked by them if she did not wish to be free; she replied that she would but *did not want to leave her master;* during the ringing of the last bell, *she was seized and carried down the gangway and on shore;* the two children were also seized and carried after her by the defendants; during the conversation of Williamson and Still with the woman, Mr. Wheeler was pushed back, and was subsequently caught by two of the defendants, Ballard and Curtis, and held while the woman and the children were taken down the gangway, one of the defendants telling him at the time that if he made any resistance or showed any weapon he would cut his throat from ear to ear; he got loose from them and came down to the wharf, when he found the defendant hurrying and pushing his servants up the avenue, and up Dock street to Front, where a carriage was in readiness to receive them, and into which they were placed and the carriage driven off; he heard the boys crying, murder, save me, Master John, save me.

On the cross-examination he said he did n't remember whether he told her on the boat that she was free to go if she wished; but he declared that he "had said so before, always felt so; did not want to have anyone about me who did not wish to stay; I exercised no restraint or control over her; she knew perfectly well where she was going, and was satisfied to go."

Samuel Smith, of New York, A. N. Colcord, Mr. Wallace, a police officer, and Capt. Heath were also examined in behalf of the prosecution.

Wheeler and his tools, seeing that the men who alone could contradict them were included in the indictment, and not expecting that the emancipated woman herself would dare to make her appearance in Court, were emboldened to swear in the strongest manner to such points as they thought could not fail to secure a conviction.

On Thursday, after the opening of the defence by Mr. Birney, Mr. Sandgram, a plumber of 47 South wharves, who was an eye-witness of the whole transaction, first gave a clear statement of the facts, contradicting Wheeler in various important particulars.

Jane Johnson herself was next put upon the stand. The scene that followed is thus described in a telegraphic despatch to the *Tribune:*

"PHILADELPHIA, Thursday, Aug. 30, 1855.

"Quite a thrilling scene took place in Judge Kelley's Court to-day during the trial of the Wheeler case. Yesterday, the counsel for the Commonwealth had it all their own way, and their testimony went far to show that the woman Jane was forced away against her will—that of Colonel Wheeler was especially full and circumstantial, to this effect: In the absence of the woman, the only person competent to testify fully to the question of voluntariness, the Colonel could afford to be particularly strong; but, presto! in the midst of the proceedings this forenoon, Jane Johnson appeared in Court. She came in escorted by an officer and accompanied by Mrs. Mott, Mrs. McKim, Miss Pugh and Mrs. Plumly. She was put on the stand, and her testimony utterly and entirely destroyed that of Col. Wheeler and his witnesses. Her evidence was clear and just to the point, reiterating in the most satisfactory manner all she had said in her affidavit in New York.

"But it was a bold and perilous move on the part of her friends, and the deepest apprehensions were felt for awhile for the result. The United States Marshal was there with his warrant and an extra force to execute it. The officers of the Court and other State officers were there to protect the witness and vindicate the laws of the State. Yankyke, the United States District Attorney, swore he would take her. The State officers swore he should not, and for a while it seemed that nothing could avert a bloody scene. It was expected that the conflict would take place at the door when she should leave the room, so that when she and her friends went out, and for some time after, the most intense suspense pervaded the Court-Room. She was, however, allowed to enter the carriage that waited for her without disturbance. She was accompanied by Mr. McKim, Secretary of the Anti-Slavery Society, Lucretia Mott, and George Corson, one of our most manly and intrepid police officers. The carriage was followed by another filled with officers as a guard, and thus escorted she was taken back in safety to the house from which she had been brought. Her title to freedom under the laws of the State will hardly again be brought into question.

"Great credit is due to Wm. B. Mann, acting Attorney-General, for the manner in which he has behaved in this case. He has done much to vindicate the honour of the State and the sancity of the Court of which he is an officer. Judge Kelley, too, has behaved with great dignity and impartiality."

A correspondent of the *Evening Post* gives the following account of the scene and its attending circumstances:

"PHILADELPHIA, August 30, 1855.

"To-day the exciting case of Wheeler and the Commonwealth *vs.* Ballard, Moore, and other coloured men was continued. You will remember that when it was called on Monday, not a single witness for the prosecution was present; Mr. Wheeler was not to be seen; the rumour was circulated that he had gone to Nicaragua, and his name had even been published among the passengers on a steamer destined there. This *ruse* for weakening the defence had a partial effect on the popular interest in the case. But yesterday the witnesses were nearly all at their post, and prominent among them the weeping minister, the great bereft. This was intended, I suppose, partly for theatrical effect.

"During the day rumours were circulated that two warrants had been issued, on Wheeler's oath, for the arrest of Jane Johnson—one for her as his fugitive slave, and the second (Oh! shame on the pettifogging minister!)—for having committed the larceny of a part of her wearing apparel, a trick first invented by some Southern quibbler for the benefit of the conscience of the Governor of Canada. But whether all the rumours were true or not, certain it is that all day yesterday and to-day, the Court-room was infested by the ill-favoured slave-hounds kept about the U. S. Marshal's office for dirty business. The second witness called for the defence was Jane Johnson. The name was followed by a breathless silence and a buzz of incredulity. But this had hardly begun when a movement was observed among a group of ladies, and Jane Johnson came forward, accompanied by Mrs. Lucretia Mott, Mrs. Rebecca Plumly, Mrs. McKim and Miss Sarah Pugh, four of the most respectable ladies of our city. She ascended the witness box amidst the deepest sensation of an immense audience. Some minutes elapsed before order and silence were sufficiently restored to proceed. The freed-woman stood confronted with her late master. You will find her testimony fully reported in the evening papers. It was simply and naturally delivered.

"Jane is a fine specimen of the best class of Virginia housemaids, with a certain lady-like air, propriety of language and timidity of manner that prepossesses the audience in her favour. She spoke what was evidently the truth, tearing to tatters all the ingeniously devised lies of the prosecution as to her 'forcible abduction.' Poor Wheeler! For the first time I pitied that unfortunate man. He had taken a prominent position inside of the clerk's desk, where every eye could read his shame. When Jane first appeared, he laughed immoderately and nervously, then became deadly pale, and as the testimony went on, red and pale by turns. At last, he could bear it no longer but picked up his hat and disappeared.

"At the conclusion of her testimony, Jane retired from the Court-room. She was accompanied to the Carriage by Office George Corson, who had her under charge under subpœna from the Court, Mr. McKim and Mrs. Lucretia Mott. The way to the carriage was lined by a strong body of policemen, placed there by order of District Attorney Mann and Judge Kelley. Strong apprehensions were entertained of an attack by the United States Marshal and his deputy slave-catchers. It seems to be true that United States Attorney Vandyke was prepared with a warrant for her arrest, but his courage paled before the stern determination of District Attorney Mann and Judge Kelley to vindicate the dignity of the Courts of Pennsylvania. If an attack had been made by Kane's bloodhounds, it would have been received by one hundred as true hearts and manly breasts as exist in the old Keystone State. But the Marshal and his men who thought it great sport to shoot at William Thomas in the waters of the Susquehanna, went quietly back to their dens when they found themselves face to face with the freemen of Pennsylvania.

"In conclusion, gentlemen, I congratulate you on the fact that one Court in Pennsylvania has vindicated the honour of her laws, and I felicitate myself that once more I feel a throb of pride in being a citizen of the State of Franklin. South Carolina law or Kane law has lost its power in the limits of old Pennsylvania. In fact, as well as theory, it is demonstrated that if a slave once touches Pennsylvania soil by consent of the master, the chains fall from him, and he stands redeemed, regenerated and disenthralled by the genius of her free institutions. Let all slaveholders take notice! L. T."

Of the arguments of counsel we have seen no adequate report. It is worthy of remark that Mr. Mann, the State's Attorney, in summing up the case for the prosecution, admitted that Jane Johnson and her children were free the moment they came upon the soil of Pennsylvania with the consent of their master, and that the defendants had a right to apprise them of the fact. This admission on the part of the Government must have been peculiarly comforting to Wheeler and his lackeys! It was a death-blow to all their hopes.

Judge Kelley charged the jury as follows:

GENTLEMEN OF THE JURY: You are about to conclude the trial of William Still, John Ballard, William Curtis, Jas. P. Braddock, James Martin and Isaiah Moore, who stand charged under the law of Pennsylvania, with which law alone you have to do, in the first count of this indictment with riot, in the second count with an assault and battery on John H. Wheeler. The questions which arise in the case are two, besides those which arise incidentally in discussing the evidence. Did these parties commit a riot; or an assault and battery?

It is idle to say that there should be no excitement about this case, for the spectacle of the anxious multitude who now turn their eyes on you, the crowds that have thronged the avenues to the Court-Room during the trial, and the great ability shown by the counsel on both sides, shows that, however trivial the case may be in itself, in its relations it is important, and has produced an excitement, but you and I should be free as eternal reason from that excitement—I trust we are. I am now, under my responsibility to a higher than any earthly Judge, to give you the law, and under the same responsibility you are to apply that law to the facts as they have been given to you, and so render your verdict.

I will now say to you once for all, that where you have a fair, reasonable doubt in your mind—such a doubt as would guide you in your family affairs and social intercourse—it is the right of the defendants, and should work their acquittal. The legal status of the parties is a matter of inquiry in this case, and a fair application of the law of riot and of assault and battery to this case requires a consideration of the legal condition of Jane and her two sons as well as of the admitted legal condition of Col. Wheeler, or any other witnesses that have appeared on the stand. This will be apparent to you; the passages I will now read to you from a standard law book:

"It must be shown that the assembling was accompanied with some such circumstances, either of actual force or violence, or at least of an apparent tendency thereto, as were calculated to inspire people with terror, such as being armed, using threatening speeches, turbulent gestures, or the like. If an assembly of persons be not accompanied with such circumstances as these, it can never be deemed a riot, however unlawful their intent, or however unlawful the acts which they actually commit. Where the parties are innocently and lawfully assembled, and on a sudden quarrel fight together, this is not riot, but an affray merely; but if, upon a dispute arising, they form themselves into parties, with promises of mutual assistance, and then fight, it is riot; for in this latter case the design to break the peace is as premeditated as if they had originally met for that purpose.

"If the object, however, of the assembly be lawful, it in general requires stronger evidence of the terror of the means to induce a jury to return a verdict of guilty than if the object was unlawful; and it has even been holden that if a number of persons assemble for the purpose of abating a public nuisance, and appear with spades, iron crows and the proper tools for that purpose, and abate it accordingly, without doing more, it is no riot, unless threatening language or other misbehaviour in apparent disturbance of the peace be at the same time used." (Wharton's Criminal Law.)

Happily, as the question is an important one in its connection with the popular sentiment of the country, rather, perhaps, than with its institutions, I am not called suddenly to give you an opinion. You have been several days concerned in this case, and I have thought upon it by day and by night, and after consulting all the authorities that could aid me in consideration of the question, I give you my deliberate conclusion, saying to you that, when Col. Wheeler and his servants crossed the border of Pennsylvania, Jane Johnson and her two sons became as free as he.

The law of Pennsylvania recognises no slavery upon her soil. She only recognises her duty in accordance with the laws of the General Government, to restore to the other States that property which escapes from them, and she may challenge a comparison with her sister States in her fidelity in this respect to the Union. But while faithful to the laws of the United States, it becomes us also to be proud of our devotion to the laws of our own Commonwealth, and to stand by them.

I accept, as a part of my charge, the statement of the law as given you by the District Attorney, and will add but a remark or two on what he has said upon the subject.

The act of 1780 abolished slavery, though it did not give freedom to those who were in bondage in the State. It declared that no slave should be born thereafter in the State, and required the owners of those in existence to register them in the office of the proper county by such marks and designations as would settle the question of freedom and slavery should it arise touching any individual slave. It gave to foreign ministers, consuls and members of Congress from other States, the right to retain their slaves so long as they were in attendance on the General Government, whose seat was then here, but the absolute right of even these functionaries over their slaves was restricted, for it prohibited them from alienating property in slaves.

Other citizens coming into the Commonwealth to reside or pass through it, might hold their slaves for six months. Thus stood the law for a period of sixty-seven years and three days, until the 3d of March, 1847, when the Legislature repealed so much of the act as authorizes the masters or owners of slaves to bring and retain such slaves within this Commonwealth for a period of six months in involuntary servitude, or for any period of time whatsoever. This act would have been perfect if the word "bring" had been omitted. It would then have repealed the right to retain, and it is not enfeebled by the fact that it, in express language, says, slaves shall not be *brought* into the Commonwealth. The intention of the Legislature furnishes a Judge proper assistance in construing their acts, and the language, from which another construction is sought to be put upon this act, is in harmony with what was the evident intention of the Legislature in 1847, to-wit, the removal from the statute book of the State every law, section, or clause of a law which ingenuity might be able to distort into a sanction of slavery.

No slave had been born for more than 67 years; those who had been registered under the act of 1780 were all dead or had passed into dim old age; the Legislature had said that no slave should be brought or retained within the State, and had also virtually repealed that clause of the act of 1780 which provided that a slave should be permitted to bear witness against a freeman; yet to secure their object and prevent any sanction of slavery being drawn from the existence of the letter of that clause, the act of 1847 expressly repeals so much of the act of 1780 as prevents a slave from giving testimony against any persons whatsoever. It is clear beyond a doubt that the law of our State knows not, nor recognises slavery.

Therefore, as I have said, Jane Johnson and her sons were free when they sat on the steamboat where the circumstances that gave rise to this prosecution occurred.

We now return to the two original questions of riot, and assault and battery. What is a riot? Again, reading from Wharton's Criminal Law, we find it defined as follows:

"A riot is a tumultuous disturbance of the public peace, by three persons or more assembling together of their own authority, with an intent mutually to assist one another against any who shall oppose them in the execution of some private object, and afterwards executing the same in a violent and turbulent manner, to the terror of the people, whether the act intended is lawful or unlawful."

We find that, up to a certain extent, the definitions of a riot and conspiracy agree. In other words, riot is a conspiracy with another element—that of tumult and disorder, calculated to disturb the public peace and inspire terror. If they agree to violently and tumultuously execute their purpose and design, and then go to do so, it is a riot. There need not be stones, sticks or staves, but there must be that conduct arising out of the common intent, which is calculated to inspire terror, whether it be in loud threats or attempted violence.

I shall not attempt to recapitulate the evidence—the facts are before you. The first question is: Did these men go to the boat with a lawful purpose? Did the woman desire their assistance? If not, then secondly, did they forcibly abduct her, and what was the amount of force used? Was it such as was calculated to disturb the public peace and to inspire terror? Although Jane was free, they had no right to take her away against her will. You will scan the whole evidence, and if you are satisfied that the defendants went there with a common intent by force to carry away these people, you will convict them; but if they went there only with an intent to inform Jane that she was free, and in a peaceable manner to tender her their services, although in a civil Court they might be liable for damages, for a conspiracy to deprive Colonel Wheeler of the services of his servants, yet with that question you would have nothing to do. They must have been guilty of the intent to sustain each other in acts of violence.

Respecting the second count of the indictment, an assault and battery is any violent or offensive laying of hands on a person. If any one of the defendants laid violent hands on Col. Wheeler, and there was a common intent, then they are all guilty of an assault and battery, but if there was not the common intent, then only such of them as actually assaulted Colonel Wheeler are guilty. The defence do not deny that hands were laid upon him by some one or more of the defendants, but they say that it is a case of legal laying on of hands that the law recognises—that it was of a gentle character. Such a case would occur by one person in passing another on the street, brushing against that one—a contact that was in all probability unavoidable.

If you find the common intent, you will convict all that you find participating in the common intent; if you do not, you will decide what violent act, if any, was committed, and by whom, and render your verdict accordingly. If one or more of them acted with a common intent with others outside of the defendants, to liberate Jane Johnson by violence, then all such defendants who acted are guilty of riot. Gentlemen, the case is now with you.

On Monday morning the Jury returned a verdict of "not guilty" as to all the parties on the count charging them with riot. On the second count, charging them with an assault upon Col. Wheeler, Ballard and Curtis were found "guilty"—the rest "not guilty."

This is, substantially, a triumph for the right. It is not likely that Ballard and Curtis will be very severely punished by Judge Kelley, who, we presume, must regard the "assault" only as a technical offence.

Thus ends one act in the new drama of Kane, Wheeler & Co., wherein it was designed to establish slavery upon the soil of Pennsylvania.

SQUATTER SOVEREIGNTY ILLUSTRATED.

THE following extract from a letter written to the St. Louis *Democrat*, by Pardee Butler, affords a further illustration of the spirit which prevails among the partisans of Atchison and Stringfellow in Kansas, and which is supported by the Administration at Washington. After making several quotations from the *Squatter Sovereign*, and commenting upon them, the writer proceeds:

With the foregoing transactions, the writer of this article had nothing whatever to do. My residence is on the Stranger Creek, about 12 miles from Atchison. On the 16th of August, I went to Atchison for the purpose of taking a boat down the river. Mr. Kelly is postmaster at Atchison. After transacting some business at the Post-Office, I said to him, in presence of Arch Elliot, Esq., "Sir, I should, some time since, have become a regular subscriber to your paper, only I do not like the spirit of violence that characterizes it." He said, "I look upon all Free Soilers as rogues, and that they are to be treated as such." I replied, "Well, Sir, I am a Free Soiler, and expect to vote for Kansas to be a Free State." He said, "I don't expect you will be allowed to vote."

Not another word was spoken; I left the house. Nothing more transpired on that day.

The next morning Mr. Kelly entered my boarding-house, followed by a number of men, and presented me the foregoing resolutions,* cut out of the *Squatter Sovereign* and passed on a sheet of white paper, and demanded that I should *sign them.* I commenced reading the resolutions aloud, having first glanced my eye over them. I wanted to give myself time to frame a wise and prudent answer. He fiercely interrupted me, and demanded that I should "*sign.*" I felt that I wanted impartial witnesses to what should transpire. I rose up, walked down stairs, and into the street. Here they stopped me, and demanded, "Will you sign?" I said "*No!*" They seized and dragged me to the river, cursing me for a d—d Abolitionist, and saying to me they were going to drown me.

Arrived at the bank, Mr. Kelly went through the very interesting ceremony of painting my face with black paint—thus making upon it the letter R. Just how that proved that it will be better for the people of Kansas to make Kansas a slave State, rather than a free State, I am not informed. Certain it is, however, they attached great importance to the operation. Your readers, Mr. Editor, would have been infinitely delighted at the jokes that were perpetrated at the expense of my face.

This ceremony being ended, and the company having now grown to some thirty or forty persons (boys included), my trial began—if that be called a trial, in which there was neither Judge, Jury, witness, law, order nor counsel for the prosecution or defence. Loafers and *gentlemen*, old men and beardless boys, scarce old enough to swear grammatically, drink whiskey or chew tobacco, all seemed to take it for granted that the Court was organized on the principle of a free fight; and so, severally and together, they pitched in, every one on his own hook. For the space of about two hours I became a sort of target, at which were hurled all sorts of missiles, in the shape of curses, imprecations, arguments, entreaties, accusations and interrogatories. Acting on the principle that the Holy Roman Inquisition is right when she demands that the prisoner shall testify against himself, they proceeded to question me concerning my motives, actions and intentions; while I replied as best I could, that my coming to Kansas was projected before it became apparent that a controversy would arise relative to slavery; that I came for reasons independent of and extraneous to this question; that I never had any connection with any emigrant aid society whatever, and that I never made any communication to any paper in Kansas or out of it, concerning Kansas affairs. I even proffered them that if they would make out in my presence an impartial report for the *Squatter Sovereign*, I would make no report to other papers of this outrage upon my person. I was not accused of tampering with slaves. I explained to them that I could not countenance any interference with the relation of master and slave in Kansas while that question remains an open question.

"The very head and front of my offending hath this extent, no more": I had spoken among my neighbours favourably to making Kansas a free State, and had said in the office of the *Squatter Sovereign*, "I am a Free Soiler, and intend to vote in favour of making Kansas a free State."

At length they came to consult what they should do with me. Ira Norris, Esq., late resident in Platte City, and Clerk of the County Court of Platte County (*a Yankee by birth and education*), came to me and said, "Mr. B., I will advise you for your good, *as a friend*, when you get away—just keep away." I said, "Sir, I expect to go away, but I intend to come back again." I said, "I cannot leave; I own real estate here close by Atchison, in the State of Missouri, and I have a claim on Stranger Creek; I cannot leave." Some one remarked, "You can sell your claim through an agent." I said, "I will neither sell my claim through an agent nor in my own proper name. If you do not take my life, I intend to live on it." They said to me again, "Well, stay on your claim, but keep away from Atchison." I said, "Gentlemen, if you do not take my life, and Providence permits, I shall come back to Atchison." They said, "If you come back again to Atchison we will hang you." They offered to show me the very tree on which they would hang me.

They made another proposal: "Well, live in the country, and vote as you think best, but hold your tongue." I said, "No; I will speak when I please." I said, "Gentlemen, I have done you no wrong. I had as good a right to come here as you, and have as good a right to speak my mind as you. I shall do my duty as I understand it; now do you the same. You are many, I am but one man—dispose of me as you think best. I ask no favours of you."

They sent me down the Missouri river on a raft, without either oar or rudder, the editor of the *Squatter Sovereign* holding the rope that towed me into the middle of the stream.

My flag was inscribed as follows: "Eastern Emigrant Aid Express. The Rev. Mr. BUTLER'S Agent for the Underground Railroad." "The way they are served in Kansas." "*For Boston.*" "Cargo insured, unavoidable danger of the Missourians, and the Missouri river expected." "Let future emissaries from the North beware. *Our hemp crop is sufficient to reward all such scoundrels!*"

Of the blazonry of my flag I will not speak; I shall not tax myself or the reader with any details any further. I have heard of men before this who were said to "*look as though they came down on a raft.*" I shall keep these colours, under which I have made my first voyage, as a memento of these evil days.

While I was in the hands of these gentlemen (they don't like to be called ruffians), they taunted me with the assurance that I could make a fortune out of this affair at the East. I desire neither the wealth nor the notoriety that may be purchased by such means. I desire to be permitted to remain peaceably in Kansas—to attend to my own proper business, and to enjoy those rights which are sacred to every American citizen. *I ask to be let alone.*

Very respectfully, I am, PARDEE BUTLER.

Steamboat Polar Star, Missouri River, Aug. 23.

* See STANDARD of August 25.

EXTRACT of a letter from Charles C. Burleigh, making report of his recent labours as an Agent of the American Anti-Slavery Society, dated, 8th mo. 28th, 1855.

"I had, on the whole, quite a satisfactory time in Cummington [Western Massachusetts] and vicinity. The Sunday meetings were large and manifested much interest; the week day evening meetings were very good, considering the season of the year. Friend Foss's labours there were warmly commended. The Sunday meetings which I have attended through the Summer were also, in general, very well attended. On one occasion, at Putnam, Ct., after the appointment for Sunday morning had been made, at the Hall, where such meetings have usually been held, the Orthodox Congregational minister, of his own motion, invited us to unite our meeting with his, freely opening his pulpit to me for an Anti-Slavery discourse, he conducting the usual services before and after sermon. We, of course, gladly accepted his proposal, and I believe the meeting was satisfactory to all parties. In Oxford, Mass., the Universalist house was opened to me, and I took the ordinary time of the Church services. In Brooklyn, Ct., I divided the day with the Unitarian clergyman, in his church, and met a cordial welcome from him and his people.

OUR thanks are due to Hon. John Wheeler, of this city, for copies of the Patent Office Report on Arts and Manufactures for 1854, in two bound volumes—one embracing the text, and the other the engravings illustrating the same.

FROM PHILADELPHIA.

OUR own correspondents in Philadelphia having failed (doubtless on account of pressing engagements) to send us their usual contributions, we give place to the following brief letter from *The Tribune* of Wednesday.

PHILADELPHIA, Monday, Sept. 3, 1855.

Judge Kane and Judge Lewis of our State Supreme Court have been closeted for a half an hour within the last three days, and the subject of their conference was Passmore Williamson.

It has been said by one or more of the Deputy Marshals attached to the United States District Court that Mr. Williamson's case will be before the Court next return day, and that, on that occasion, the matter will be put in the right light before the community.

That there is soon to be a development of some kind from Judge Kane's Court seems to be a settled fact.

I have been informed this morning by a member of the bar, who speaks on the authority of Judge Knox (one of the Judges of the Supreme Bench), whom he saw last evening, that the Supreme Court will sit in this city on Friday next to answer Mr. Williamson's application for a habeas corpus.

One inference drawn from these facts is, that Mr. W. will, somehow or other, be liberated this week. Another is, that Judge Kane will anticipate the action of the Supreme Court and liberate Mr. W. himself.

Both Courts, it is supposed, are desirous to avoid a collision.

The result of the trial before Judge Kelley we consider a triumph, but I am not sure that the two men convicted of assault and battery will not demand another trial, on the ground of their being in possession of new evidence. The testimony of the acquitted parties, William Still and others, it is believed, would show clearly that they were as innocent of assault and battery as of the other charges preferred against them.

Mr. Williamson is well and in good spirits. Mrs. W. gave birth, last Thursday, to a daughter. She felt the absence of her husband on the trying occasion to be a great privation, but bore it well.

THE ARGUMENT FOR HABEAS CORPUS.

WE yield a large portion of our space, this week, to the arguments of Messrs. Gilpin and Meredith, before the Supreme Court of Pennsylvania, upon the application for a writ of *habeas corpus* in behalf of Passmore Williamson. The pressure upon that portion of our columns usually devoted to anti-slavery selections was never greater, perhaps, than at the present time; but the great importance of the issues now pending in Pennsylvania—issues which, before they are settled, may lead to revolution and the severance of our blood-cemented Confederacy—did not permit us to hesitate for one moment in giving precedence, at whatever cost of space, to the arguments by which the law and the justice of the case are made clear as the noonday sun.

To those who read these arguments—and every Abolitionist *ought* to read them with care and digest them as well—it will seem unaccountable that the Court did not at once issue the writ prayed for. Its failure to do so was, for the time being, a denial of justice, a suspension of law by judicial authority. The fact that the Judges all belong to the party that supports the Administration from which Judge Kane receives his instructions is well calculated to beget the suspicion that political motives may have led them to hesitate in the performance of their duty. It is reported from Philadelphia that Chief Justice Lewis has held a consultation with Judge Kane on the subject, with a view, it is supposed, of inducing the latter, if possible, to relieve the State Judiciary from the necessity of vindicating the sovereignty of Pennsylvania. If this report is well founded, every citizen of the State may well hide his face for shame in view of her humiliation and disgrace.

RESOLUTIONS OF THE CLARKSON A. S. SOCIETY.

Resolved, That in the Charge of Judge Kane, condemning Passmore Williamson to prison for alleged Contempt of Court, striving with all the ingenuity he possesses to construe the law on the side of cruelty and tyranny, in order to punish a man for endeavouring to deliver the oppressed out of the hands of the oppressor, we find an evidence that the same willingness to serve the South in defending its system of abominations is still with him, that was manifested in the bloody charge given to the Grand Jury in the case known as the Christiana Treason Trials; and that the same honours are due him, that are to Nero and Jeffries for their acts of a similar character.

Resolved, That we highly approve of the course of Passmore Williamson in rescuing those persons from the hands of the oppressor; and that we extend to him our cordial sympathy in his incarceration.

The foregoing resolutions were unanimously passed by a meeting of the Clarkson Anti-Slavery Society held August 25th; and the Secretary directed to forward a copy to THE STANDARD for publication.

Respectfully, LIZZIE COATES.

Wood Lawn, Pa., August 31, 1855.

LITTELL'S LIVING AGE, No. 589, has for its leading paper the article on "Advertisements," from the *London Quarterly*, in which the writer draws out, as a thread might be drawn from some woven fabric, a continuous line of advertisements from the newspaper press of Great Britain since its establishment to the present time, and, by so doing, shows how distinctly, from its dye, the pattern of the age through which it ran is represented. We find also Part IX of "Zaidee, a Romance," from *Blackwood*, and the opening chapter of "Kate's Choice," a fresh story, from *Chambers's Journal.* Among the poetical selections, we find two pieces by Elizabeth Barrett Browning. New York: 343 Broadway.

THE DREADFUL RAILROAD DISASTER, by which twenty-two persons were killed and many others wounded, near Burlington, N. J., a few days since, has awakened a very deep feeling throughout the country. We have no room for the details, which our readers will all see in papers which give prominence to such matters. The jury of inquest, we perceive, exonerate the conductor, and severely blame the driver of the horses, and the Railroad Company. Only three jurors refused to sign the verdict; of these, Mr. Rogers is said to be the son of a stockholder, and Mr. Belden owner of the dépôt buildings.

RADICAL POLITICAL CONVENTION.—In another column will be found a call for a Convention of "Radical Political Abolitionists" (believers in Spooner's doctrine of the unconstitutionality of slavery, and in the right of Congress to abolish it in the States), to be held in Boston on the 23d, 24th and 25th of October. The call embraces, it will be observed, not all the friends of immediate and universal emancipation, but *only* those who belong to the party known as "Radical Political Abolitionists."

THE YELLOW FEVER still continues its fatal ravages at Norfolk and Portsmouth, Va., though in the latter the daily number of deaths had, at last accounts, somewhat diminished. The number of deaths in Norfolk, on Monday, was 64—a fearful rate of mortality for such a place. The suffering caused by the presence of the disease is indescribable, appealing, and not in vain, to the sympathy of all who can in any way minister to the relief of the sick and the bereaved.

HON. WILLIAM CRANCH, for more than half a century a Judge in the Courts of the District of Columbia, died at Washington on Saturday last, aged 83. The funeral services, we observe, were conducted by the Rev. W. H. Furness, of Philadelphia, in the presence of the President and other prominent officers of the Government.

Summary.

WOMAN'S RIGHTS.—Mrs. Lucy Stone Blackwell has purchased a fine farm, on Fox river, a short distance above Cedar Rapids, in Wisconsin.

LADIES FOR LEGISLATORS.—*Punch* says there is one good reason why ladies should be eligible for Members of Parliament. They would afford such abundant facilities for pairing off.

A MODEL HUSBAND.—The Richmond (Va.) *Despatch* says there is a negro man in that city, who, for the last twenty years, has never failed to walk four miles at night to visit his wife, and to return to his employment.

"Madame, has your piano an æolian attachment?" asked Sam the other night, of the wife of a man who appeared to live up to, if not beyond, his income.

"Hush," whispered Seth in his ear, "it has a Sheriff's attachment!"

GREAT STEAMBOAT SPEED.—The steamer Commonwealth, running between New York and Allyn's Point, on the Worcester and Norwich line, from Boston to New York, recently made the whole distance, 133 miles, *in six hours and twelve minutes*, inclusive of a stop at New London. The average rate of speed was 22 miles per hour. This is the fastest time on record.

MRS. ROSINA TOWNSEND.—The *Police Tribune*, Albany, says that this woman, who kept the house in Thomas street, in which Helen Jewett was murdered, is residing at Castleton, where she married, a few years since, a respectable carpenter, with whom she lives in a manner that commands the respect of her most fastidious neighbours. She is a member of the church, and has long been noted for her untiring benevolence.

ROBBED OF HIS SLAVE.—On Tuesday last, Thomas Scallam, a Missourian, started on board a steamer for Virginia, and took a steamer for Wheeling; before he had done so, however, one of his negro men was missing. Alarmed at this, he took the others over to the Kentucky side, and had hardly done so before a habeas corpus for one of them was brought down to the wharf at Cincinnati, by an Abolitionist of that place. Luckily, it was too late, the girl being in a slave State.—*Richmond Dispatch.*

HATTIANS.—A number of coloured gentlemen from the Court of Faustin I. have arrived in Paris, as visitors to the Great Exhibition. They have created no little sensation, as they are dressed in the extreme fashion, and are attended by a numerous suite. They are admitted to the club dinner at the hotel, and mingle indiscriminately with the company at the Exposition, the Jardin d' Hiver, and other public places.

New Bedford (Mass.) is said to be, according to its population, the richest city in the world. The population in 1850 was about 15,000, and probably is less than 20,000 at this time. Its valuation the present year is $25,800,000, and its ratable polls 4,316. If, therefore, the whole property that is taxed were divided equally among the ratable polls of the city, it would give $5,954 to each and every one of them! It is a remarkable fact, also, that nearly all this great wealth has been accumulated by the present generation, within the last thirty years.

The *Pennsylvanian* has discovered a new and astounding proof of Passmore Williamson's *perjury.* He swore that the coloured woman, Jane Johnson, was not under his control, and that he could not, therefore, produce her, even when ordered to do so by Judge Kane. The Judge decided that he was guilty of contempt, for not doing what he could n't do, when he ordered it. Day before yesterday Jane Johnson came into Court of her own accord and gave her testimony. Who doubts now, exclaims the *Pennsylvanian*, that Williamson's oath, that she was not under his control, was "rank and flat perjury?" That is an *argal* worthy of Dogberry.—*Times.*

The *Banner of the Cross* (Philadelphia) thus repels (Aug. 25) the effort of some to awaken a human throb in its stony breast:

"ABOLITIONISM.—We know not why the *Friend's Review*, of this city, should continue to be sent to us, with *marked* articles in relation to the notorious, or rather infamous, Passmore Williamson. It cannot be supposed that we can feel the least sympathy in his behalf, or do otherwise than heartily approve the firm course and righteous decision of Judge Kane; who will not fail, we hope, to maintain the majesty of the law in this and all similar cases."

Can any one wonder that Infidelity increases where such as the above is dealt out for Christianity?—*Tribune.*

An Irish Roman Catholic priest, long resident in America, has been writing a vehement dehortation to his countrymen on the subject of emigrating to the United States. He says that the Irishman does not get rich in "the land of liberty," while he loses his former respect for his priest, becomes skeptical and immoral, and indulges in "the beastly vice of intemperance"—which, of course, is a thing unheard of in Ireland. The Americans themselves are denounced as "infidels" (by which we suppose is meant Protestants), and as encouraging a system of liberty which is only another name for license; while the children of Irish parents born in America become even more anti-Irish and more irreligious than the genuine "Yankee." The moral of all this is, that it is better to die at home than to lose "faith and morals" by crossing the Atlantic.

We learn from a reliable source that Madame Ida Pfeiffer, the world-renowned female traveller, proposes to revisit this country for the double purpose of adding to her knowledge of our people and institutions, and of imparting to us in return, in the form of lectures, a portion of the rich fund of information gathered during her journeyings in the four quarters of the globe. If we are not much mistaken she will be warmly greeted here, and find no lack of listeners to her "traveller's tales." A lady who has had the pleasure of conversing with her, assures us that she is a charming talker, there being something quite fascinating in the tone and style of her conversation. The lecture-room will be a new field to her, we believe; but she is not the woman to fail in anything she undertakes.—*Life Illustrated.*

TEXAS EMIGRATION UNION.—The first bulletin of this Society, which is devoted to the establishment of an Industrial Colony in Texas, states that the progress of the movement thus far has been highly satisfactory, and the colonists now on the ground, to the number of 150, have made a successful commencement of operations. Buildings are in the course of erection for the accommodation of a large number of emigrants, and new tracts of land in favourable localities are being secured. A company is expected to sail from New York to Galveston during the coming Autumn, or early in the Winter, with a view to joining the Colony. Persons wishing to emigrate can receive further information by applying to either of the Committee of Direction: D. H. Jacques, New York City; Stephen Young, Poplar Ridge, N. Y.; Milo A. Townsend, New Brighton, Pa.

SENATOR SUMNER TO PASSMORE WILLIAMSON.—We envy Passmore Williamson the receipt of the letter from Charles Sumner, one of the best of men, purest patriots and intelligent minds of the Union. Though the victim of Judge Kane's judicial tyranny is separated from his family, and precluded from attending to his business, still he is happier and more respected by the general community than the man who bought his seat on the bench by a convenient political lie. Thousands of our citizens look to Mr. Williamson as a Christian man in bondage for acting upon his Christian impulses towards his fellow men. No one, on the contrary, regards Judge Kane as having added dignity or respectability to the position he achieved so unworthily, and his conduct is only approved by those toadies who hang upon official favour for bread, and make their living by following their instincts, as the trained bloodhounds of the South do in the genial occupation of catching runaway slaves. We have yet to find the high-toned gentleman of any party or political creed who does not say that Judge Kane outraged law and liberty by taking cognizance of a case over which he had no jurisdiction; and we have yet to find the lawyer, unprejudiced by his locofoco shackles, who does not proclaim that he deserves impeachment for his gross violation of the statute law. Mr. Williamson in his cell, may thank God that he is not Judge Kane in his soiled ermine.—*Philadelphia Sun.*

DIRECTLY TO

Miscellaneous Department.

FRIEDRICH RUECKERT.

From The Christian Register.

A CORRESPONDENCE that we might best ascribe to some one of an antique and heroic age, a profile of marked rigidity, a lofty brow, an eye deep set and firm, a mouth finely turned, lips that seem ready to speak, and over all, giving a look of peculiar veneration, long gray locks that flow upon the shoulders. Such is the personal aspect of our poet if the portraits of him can be relied upon.

If the most earnest devotion to his art, and unceasing endeavours, can make a bard, then truly is Frederic Rueckert one of the greatest. It is generally conceded that he is first among the living lyrical writers of Germany, one of her greatest scholars in the Orient literature, the chiefest of her artists in the forms of poetry, and perhaps the most voluminous of modern bards. Thoroughly German in his own nature, he pursued his studies in a line, where Goethe's latest lay, until possibly his imagination appears in some cases most in consonance with the minds of the people, where poetry is so familiar to him. The spirit he breathes in all of his poetry is such as would well entitle him to be called, in the German phrase, "a world-betterer," a spirit of good-will towards all, endeavouring to unite all, through the influence of poetry, into one great brotherhood. As such he has espoused no school and never battled with the columns of a review. Take some of his aphorisms, and we can see what is the tendency of this feeling.

A three-fold pleasure Poesy bestows,
Two the poet, one the reader knows;
The first the Poet's, when he writes;
The next the Reader's sweet delights;
The last the Poet's too, that his bequest
Can gladden yet another human breast.

Again:

What feeleth man, but that mankind as much doth own?
What can he think that thousands have not thought before?
But yet if he shall speak his thoughts with candid tone,
The world will bear to hear it told to them once more.

Here is his idea of the mission of poetry.

'Mid discord and strife,
In this lower life,
Has Poesy founded
Her empire, grounded
In peace of mind,
Where men can find
No contest to shun
But be as one.

Once more:

Let poetry flow
With life's rough stream,
And let in glow,
Like a sunny beam,
On pleasure and woe.
And with her gleam,
A way she'll show,
Where none did seem.

Let every one
But open his mind
To this, the sun
Of the spirit-kind,
And what's to be done
He oft will find
Is easier won
By being divined.

His life as a teacher, an editor and professor, has been unobtrusive, seeming to flow like one of his own brooks, prattling to itself, reflecting the heavens, the wood and the flowers, now stirred by a breeze, now broken in a rift, but only to glance the brighter! His learning, his poetry and his family, claim all his attention. Since 1840, he has resided, by invitation, at the Court of the Prussian King, invested with the rank and title of a privy counsellor.

He has said that poetry is a language itself to its lovers; it was that of Paradise, the first language: and thus has he considered the universal range of poetry as a mother tongue, and "the wide world but a greater Fatherland," in Goethe's language; and he says himself "world poesy alone is world reconciliation." There are accordingly few regions in the world of poetry that he has not penetrated. As a representative of the German muse the manner in which she has been apostrophized, by a fellow-bard, may be perhaps more peculiarly applied to Rueckert than to any other.

Hellenic inspiration, bold and strong,
Italia's softer and endearing song,
And all the lyric stores of orient lands,
All, hast thou culled with ever votive hand,
To make the crown that sits upon thy Brow,
Than which, of all, none fairer glances now.

In a poet, who has written so much, we naturally find a great inequality and much that is of very little value. In his ballads and romances we must prefer Goethe and Uhland; but in his songs we can find no one to place before him, and in his translations and imitations of the Eastern poetry his excellence is unquestioned. In the variety and skillful adaptation of the form of verse to his subject there is hardly a poet in universal literature who is more successful. He has scarcely left a single foreign measure untried, and many he has thoroughly established among the metres of his own tongue. He is as great an advocate for the supremacy of form as he is a good example of it. He has used some strong language to express his belief. "'Tis form alone that makes the poet" he says. "The groundstone is indeed the sense, but the keystone is the verse."

Again he says:

The jewel's worth is not the only thing,
The setting makes the beauty of the ring.
And meanest thoughts, in proper form conveyed,
Are better than the noblest, ill arrayed.

And there is no lack of truth in this triplet.

Many things in verses mould,
We would well as nothing hold,
Were in prose the same thing told.

Such is his devotion to art; and there may be more truth, than is at first apparent, in the remark of a French commentator, that through this he has condensed the vapoury German into particles of crystal. He says of himself:

A spirit that thinks and the deepest felt songs,
Is all that I am, and to me belongs.

His care for the art has not deterred him from fostering beside the truest spirit of the poetical in his thoughts and feelings. He would have his poetry redolent with the fragrance of the rose as well as offering its outward beauties. For he says:

True poetry like gold,
When beaten out by art,
And round the world enrolled,
Must beautify each part.

The tones which he sings with the warmest gush are undoubtedly those of Youth, and the "Spring of Love," as he calls his best selection of songs. Here it is, as Tieck says of the Romantic School, our sense is made a vassal, as by the enchantment of a moonlit night. Thus it is he distinguishes youth.

Treasured joy of short duration,
Fruitful spring of human breast,
Sunny glance and tear ovation,
Gentle sadness, love confessed.

Then he says again:

Our love is only half a death,
That gives a foretaste of the whole;
Not heaven itself, but yet its breath
That wavers round the soul.

He has a copy of verses in which he thus alleges the true nature of song.

I once have said and men affirm,
That malady's the poet's measure,
As on the rosebud gnaws the worm,
His thoughts but sap his life of pleasure.

But yet I've never sung a song,
But that I've felt, like sunlight raying,
One holy feeling, warm and strong,
How stands with this the old gainsaying?

As quiet to the sick and lone,
As balsam to a wound that's burning,
As cordial to the ill, that moan
Is sung to love and hope and yearning.

ALL A SONG.

He would express here the universality of song.

From my inmost feeling
Songs are always stealing
Through these lips along;
While my deepest heart
Let's no hour depart
Without its song.

From the lark I borrow
Strength, and free from sorrow
Sing I in the morn.
Midday comes, in sunny mist,
Unto the piping quail I list,
Among the corn.

With the dove at even wooing,
In the linden bowers cooing,
Where the dewdrops lie,
With the nightingale's wild song,
Floats my sweetest wail along,
To the sky.

Throstle, finch, and merry jay,
Oriole and linnet gay,
All are singing round;
Each upon his bending spray,
I, as tuneful too as they,
Join the sound.

So we are a merry throng,
Full of life and joy and song;
Hear each mellow tone!
Piping, fluting, how they ring!
Is it only I who sing,
I alone?

Notwithstanding the voluminousness of Rueckert's poetry he has never written any very extended poem. We close our brief notice with a few couplets in which he defends the worth and dignity of these minor pieces. If we run over the contents table of the volumes of the modern German poets we shall be surprised to find how very few of them have ever attempted any lengthened poem.

LITTLE SONGS.

Droop not thy eyes, my little song,
On human love thou waitest,
Go forth among the choral throng,
Make good when thou elatest.
From the smallest seed that falls in the mead
Come flowers as from the greatest;
And each, as well, can plainly tell,
That thou, oh God, greatest.

HEIDELBERG.

OUR OLD BETTY.

OUR Old Betty has a large circle of acquaintance, and most of them know—through her never losing an opportunity of spreading the information—that she has seen better days, although there are some dignified persons who doubt the fact. Her calling is very multifarious—one day, she goes out to nurse; another, to clean; on a third, she is engaged to wash; at one time, she has a house to let; at another, she is the pioneeress who clears the way, and makes all ready for the new incoming tenant; and sometimes she is left to keep house with Jane, the servant, while the family is away for a week or two for a summer holiday. Now and then, when Jane goes away suddenly in a huff, Old Betty comes until matters are reconciled, or a new Jane is found to fill up the vacancy; and this is about one of the highest offices she is ever promoted to, as her nursing is generally limited to the circle of the servants. At times, she is rather diffident about giving her address; she would rather call to see when you are likely to want her; she is often passing; and it will quite be in her way, and not any trouble at all; for if you sent, she's afraid she might be out—"that's all." Malicious people say she mostly lives near some marine-store, and that her objection to giving her address arises from a fear of her acquaintance obtaining a knowledge of the value of the "rubbage" which she is allowed to carry away as her perquisite, and which the aforesaid establishment offers for sale; and Betty has been heard to say, that "some persons are very particular about their old rubbage—very particular indeed."

Her dress sometimes wears an appearance of a past, at others, of the present fashion, according to the whim or generosity of the donors; for, as she now and then tells Jane, while they are hobnobbing over their wash-tubs:

"Mrs. Thingumbob gave me this gown, because she did n't like it; and Mrs. Thingumteny this bonnet, as she did n't think it suited her countenance; and Mrs. What-do-you-call-her the shawl, because she thought it too old-fashioned, though it cost me a shilling to have it scoured." But she only makes her entrance and her exit in this costume, for the one you see her in while at work was brought in a bundle—greatly increased at her departure—under the above-mentioned shawl. The dress of Old Betty is always in keeping with the part she has to play, or the work she has undertaken to do. Is it a house she has to let?—she prims and tidies herself up to answer the door, for there is a chance of some old bachelor or widower taking it, who may want a housekeeper; so she makes herself up as well as she can, to represent one of that rather over-plentiful class of characters. If acting as nurse, she put on a broad-bordered cap, that is puckered round with hilly folds, which gives her a motherly kind of look; while she treads softly, speaks low, and shows such an interest in the invalid, that she will not take up the daintiest mess you can prepare before she has satisfied herself that it will be agreeable to the taste of her patient, by gratifying her own. Has she to occupy Jane's place for a day or two?—she comes out a juvenile antique; dons a jaunty cap over her false-front—sometimes the latter will get atwist; puts on a narrow, saucy-looking white apron; and moves her old feet wonderfully quick for her years, as if to impress you with the notion, that she is still as nimble as some of the young ones, though her scant breath betrays the wear and tear of old Time, through all the outward trappings that cover the decay he has made. But these are our Old Betty's white-loaf days, that lie few and far between, and which never come to gladden her while among those people whom she describes as being "very particular indeed."

When our Old Betty first came to wash for us, she seemed troubled with a nasty dry cough, that always appeared worse whenever you chanced to be passing her, as if brought on by her courtesying—for she is very polite in her way. We mentioned this affliction to the friend who had recommended her, and were told that if we took no notice of it, it would soon go off; and, strange enough, it did; for after we began to show our sympathy in silence only, it went clean away, and we heard no more of it. Young ladies who are newly married, declare that she still suffers under it, and that they have given her no end of things to try to cure her; but all is useless. In vain do we tell them to let nature take its course, and leave well alone; some will give her a little brandy; and when we first knew her, she used to say that her doctor recommended a little gin as a good thing for her complaint; but strongly disapproving of such a remedy, we pressed her for the name and address of her "doctor," and were glad to learn that he had left the neighbourhood. Finding that we had a great objection to her taking so stimulating a medicine, she soon discovered that a drop of beer now and then afforded her great relief; and in consideration of the hard work she did, and a conclusion of our own, that at her age habit required something—though it was bad to foster it—we yielded a little to her latter indulgence, for it seemed to enable her to go through her labour more cheerfully; and we have a strong belief that Old Betty drank a great deal of gin and beer in those better days which she says she has seen.

When engaged in what she calls a "heavy washing," our Old Betty generally finds an excuse for going out once or twice during the day. She says, "It is to tell the lady who has engaged her, what time she shall be there on the morrow;" but Jane, who is rather a close observer of character, says that when Betty returns, she is for an hour or so very lively and communicative, and it is her opinion that she goes to see that "doctor" who has left the neighbourhood. Now and then, she has complained of the headache after three visits, and shewn great anxiety about getting the kettle to boil earlier than usual, telling Jane "that she always finds great benefit from a good strong cup of tea whenever affected in that way." Indeed, she is very partial to strong tea at all times, and has often said, that if she were a lady, and could afford it, she should be more extravagant in that than she should be in the purchase of her dresses. When she is unfortunate enough to come to work for us on "cold meat days," she generally tells the servant what a splendid hot dinner they gave her where she was last employed. She takes great pains to display the "rubbage," as she calls it, that she is allowed to carry away with her, by placing it in such a position that you must see it as you pass; for she herself cannot well say, "see how honest I am!" though if the bones, rags, old shoes, &c., had tongues, these would be the very words she would wish them to utter. Very young wives quite admire her for this, and sometimes cannot help expressing what they feel. "I would n't take anything of value away, if I knew it, marm, not for all the world," says our Old Betty: "many and many's the time that I have been tempted to do so by the servants; but no, I've said to them take an old woman's advice—honesty is the best policy. Because why, you can always go to the same situation again; and I've mostly found it so, excepting with those people who are very particular indeed."

You can always tell when she has been employed, without either having seen her or making any inquiry; for if you want a bit of old leather on the following day, or a nail to fasten up anything, a rag to wipe your spade, a bit of grease for your saw, you soon discover that there is neither an old shoe, a nail, a morsel of rag, nor waste grease to be found. Even the dustmen—who, when they call, appear to be pretty familiar with her—seem to be well acquainted with her appropriating propensities, and do not accost her in the friendliest of phrases, but bluntly begin with a "What! you here, old 'un! We shall get a fat lot at the marine-stores for what we pick up after you have been over the ground—almost as much as they'll give us sixpence for, if we first put fi'pence three fardins atop of it. I wonder you don't carry all the dust away as well. The brick-fields aint above three or four miles off, and you might carry a good penn'orth in your apron, for 'breeze' is fetching a stiffish price now." But this "chaff," no doubt, arises from jealousy, and they are envious of our Old Betty's perquisites.

She likes to go out, and buy the brushes, brooms, pails, &c., herself—"She has had such a deal of experience," she says, "and can tell what will wear best, the instant she sees it; besides, they do so impose upon servants, putting them off with any 'rubbage,' and charging them the highest price into the bargain; but they must get up before the cock crows, to get the better of her." Jane says, she puts a few pence in her own pocket when making these purchases, as the shop-keepers allow her a commission. Betty is a capital hand at throwing out a delicate hint. Poor old creature! no doubt poverty sharpens her wits. Only give her a piece of old carpeting to take home, and with what a "thank you kindly" she receives it. "It is just the very thing she was praying for, when her chilblains were so very bad last winter; but that might be owing to the thinness of her shoes, or the want of a good pair of warm stockings"; and so, in her way, she manages to "kill two birds with one stone." She never hurries, but, however little she may have to do, manages to make it last all day, by turning out holes and corners which are very rarely emptied or looked into. What piles of lumber she disinters! what good resolutions, broken, lost, forgotten, does she drag into the accusing light! earnest, determined economy now mouldy, damp and past all recall or repair, and the new extravagance slowly going the same way; shoes that were to have been sent to mend, clothes about which you were to have called on the tailor, now ruins of good intentions—thrift that never arrived at maturity, but fell under the killing frost of negligence, to be forever destroyed. How these things would have been declaimed against as wanton waste and ruinous extravagance, had they been so rolled up and thrust away at first, nay, even given to those they might have benefited, and now—oh! "the offence is rank"; and Betty bears them off among her perquisites, grumbling, no doubt, at our selfishness, and thinking what good they would have done for her, had they been given to her before the moth, the mildew, and the mouse had found in them an abiding-place. Alas! thousands of good purposes are so stowed away and lost forever to the world, and more's the pity!

Our Old Betty dotes upon any new article that is shown to her, and would so like to have it when done with—she would n't care how worn or dirty it may be; it will just be the very thing for her. Let her once begin to talk, and you never know when she'll leave off; and when she is doing anything in your presence, you feel her side-long glances, and can tell, by her incessant "hemming," that she is almost exploding to have a gossip with you, and you know beforehand that it will be all about herself, her circumstances, and her "old complaint"; for, however much you may try to shift the subject, to that point she will ever keep turning. It is strange, she will tell, what an appetite stirring about gives her, though when at home—and some of her friends now and then send her a few tasty things—she eats next to nothing: she fancies it must be the change of air. Jane says, if ever she has orders to give her a little cold meat to take home with her, Betty always wants a potato, and an onion or two—"she is so fond of a little 'ash, especially if made with a spoonful of catsup, it does so seem to comfort her, and she does enjoy it so, you don't know." She is very partial to a servant who is a good listener, and over a cup of strong tea will unbosom herself, and tell her "tale of love." She might have married, and well too, if she had n't allowed herself to be over-persuaded—she might have been a lady and have kept her own servants, and never had to do a hand's stir of work; but she always stood in her own light. It's true he was only in service when she first knew him, but, bless you! he got up in the world like a rocket—took a public-house, and in time became a wine-merchant. Seen him since? Yes; he once came to dine at a gentleman's house where she was employed while one of the servants was ill. Jane who is a persevering girl, had some difficulty in worming out what the wealthy wine-merchant said to his old flame; but she succeeded at last, and it was: "What! old girl, are you alive yet? Why, I thought you'd been dead years ago"; and—he gave her a shilling! Had ever love-story such an ending before? According to her account, never was anybody so beloved by mothers and their children as she has been. Many a time has Mrs. So-and-so said: "Betty, you saved the lives of my little Nell and Billy, and shall never want a home while we have a roof over our heads." "And I did save them. Many's the night I never had my clothes off, or lay down for a second even. Bless you! they would cry as if they were broken-hearted to come to me when I held out my arms." Like the "doctors," all these grateful families have left the neighbourhood, but Betty has no doubt that handsome sums have been bequeathed to her by one and another; although envious people have stepped in between, and kept her out of her just right.

You are pretty sure to see her at the church or chapel you frequent. If she cannot succeed in attracting your eye by that old familiar cough, you are certain of receiving the accustomed courtesy at the church door as you go out. She seems well acquainted with the old pew-opener, and no doubt the respectability of the pew-holders is summed up between them, and settled according to what each gives for cleaning their seats, or as other gratuities. Our Old Betty is delighted if she can but get you into conversation on "that excellent discourse," though you generally find it ends in her stating, that she does n't go to church so often as she should like, for the want of something or another. She has frequented that church so many years; and Mrs. Somebody, when she was alive, who also attended it, used to send her a hot dinner every Sunday. But all these hints are lost on our old-experienced ears.

Poor Old Betty! we fear that at times she is compelled to earn her bread in dark, damp cellars, and tumble-down outhouses, which increase the aches and pains she so often complains of; that our light, warm kitchen, with cheerful Jane for company, is a paradise compared with some of the places in which she is doomed to labour. She knows, when she is past work, that there are those who will interest themselves in obtaining for her the largest amount of out-door relief that it is in the power of the governors and guardians of the poor to grant, and that there are a few of her old employers who will not wholly forget her. Perhaps her little hoardings and harmless pilferings may arise from a wish to have a few shillings by her, to purchase such extra comforts as she has long indulged in from "doctors" who have not yet left the neighbourhood; for the little back-room, which she has long rented at a shilling a week, will be no desirable spot to retire to when, with increased years, she sits in solitude beside its silent hearth, with no one to listen to the murmurings of OUR OLD BETTY.—*Chambers's Journal.*

JOHN WESLEY AND HIS APOSTLES.

AT this time (1790), John Wesley had succeeded in diffusing the evangelical agency of Methodism throughout a great part of the British Islands, and in extending it even to the West Indies and America. Great Britain and Ireland were divided into one hundred and eight circuits, each being supplied with one, two, or more ministers; whilst eleven mission stations have been established in the West Indies, Nova Scotia and Newfoundland; the aggregate number of members, in all these places, being about one hundred and twenty thousand.

Among the remarkable circumstances which we find in connection with this extraordinary revival of scriptural religion, there is nothing more truly wonderful than the mental calibre of the men employed by the founder of Methodism as his coadjutors in the proclamation of divine truth. Neither the history nor the literature of our land has rendered common justice to the race of Methodist preachers. Taken, almost without exception, from the ordinary avocations of life, without scholastic education or theological training, these men, by the persevering declaration of Gospel truth, produced such an effect on the religious condition of the people to whom they ministered, as has not often been paralleled in the history of the Church. The causes of this extensive success are worthy of serious inquiry and thankful recognition. The ministers of Wesley were, in the true and proper sense of the terms, "converted men." With them, religion was not merely a science, it was a mighty principle of life and action. They had discerned in the light of the divine word, and by the illumination of the Holy Spirit, their state of guilt, condemnation and danger through sin; and had individually realized, by faith in the atonement of Jesus Christ, the forgiveness of their iniquities, and a measure of sanctifying grace. The far greater portion, indeed, of the Methodists of that day lived in the habitual experience of this great salvation. It was from the most devoted, earnest, zealous and useful of these, that Mr. Wesley obtained his ministers. And these men were not only truly pious, and eminently zealous, they were, regarded as a body, men remarkable for intellectual ability, strong sense, and great power of expression. Some of them, indeed, notwithstanding their incessant labours, in what may appear to us very ungenial spheres of action, rose to eminence as scholars, divines and orators.

These men went through the land—which seemed, at that period, to be covered with moral darkness, and to lie in the shadow of death—as burning and shining lights. It is true that they met with such a reception as might be expected from the unsanctified character of human nature. They were ridiculed and lampooned by learned men and wits, treated with haughty opposition or contempt by bigoted sectaries and formal religionists, and persecuted with brutal ferocity by the violent and the vulgar of all classes. Yet, submitting to all this injustice with Christian meekness and constancy, they pursued their way with unconquerable firmness, and with great success. Wherever they preached the word of life, sinners were brought to the acknowledgment of the truth, and to the experience of salvation. Nor did they neglect the spiritual culture of the souls thus converted to God. An organization, purely religious in its character, was introduced, by which "classes" were raised, societies formed, chapels built, and a complete system of evangelical agency and means brought into operation, for the purpose of preserving those who had been thus brought under the influence of divine grace from the evils to which they were exposed, of building them up in holiness, and, at the same time, holding forth an efficient proclamation of saving truth to the whole population of the land. And in the prosecution of these benevolent purposes, these laborious heralds of the Cross took frequent, long and wearisome journeys; often preaching in the highway and obscure villages, when no more suitable opportunities offered for the dissemination of the truth.

It was through these pious and devoted men that Robert Newton was made acquainted with the Gospel, and with Methodism. We have already said that they periodically visited and preached in his father's house. Robert, therefore, with his brothers and sisters, grew up in intimate intercourse with these preachers, and in constant attendance on their ministry. Nor was he, even in his youthful years, a careless hearer. Long before his conversion, he seems to have had a persuasion on his mind that he should become pious, and be a Methodist preacher. So early as the age of twelve years, he composed the outline of a sermon, which he carefully preserved.—*London Quarterly Review.*

SYDNEY SMITH.

IN a well-written recent article on Sydney Smith in the late number of the *Christian Reformer*, a new version is given of a widely-spread saying of the witty canon. "Like other men of great conversational powers," observes the reviewer, "he sometimes was tempted into extravagance and paradox. If set forth and received as such, it will do no harm, while it greatly amuses; but now and then Lady Holland has, under the influence of filial piety, given a version to a favourite story, in which the extravagance and paradox of her father are attempted to be concealed. Take, for example, the often-quoted and amusing story of the roasted Quaker.

"Dining out on one occasion, he happened to meet Mr. ——, whom he always met with pleasure, as he was a man of sense, simplicity and learning; and with such a total absence, not only of humour in himself, but in his perception of it in others, as made him an amusing subject of speculation to my father.

"The conversation at dinner took a liberal turn. My father, in the full career of his spirits, happened to say, 'Though he was not generally considered an illiberal man, yet he must confess he had one little weakness, one secret wish—he should like to *roast a Quaker*.'

"'Good heavens, Mr. Smith!' said Mr. ——, full of horror, 'roast a Quaker?' 'Yes, sir' (with the greatest gravity), 'roast a Quaker!' 'But do you consider, Mr. Smith, the torture?' 'Yes, sir,' said my father, 'I have considered everything; it may be wrong, as you say: the Quaker would undoubtedly suffer acutely, but every one has his tastes; mine would be to roast a Quaker: one would satisfy me, only one: but it is one of those peculiarities I have striven against in vain, and I hope you will pardon my weakness.'

"Mr. ——'s honest simplicity could stand this no longer, and he seemed hardly able to sit at table with him. The whole company were in roars of laughter at the scene; but neither this nor the mirth and mischief sparkling in my father's eye enlightened him in the least, for a joke was a thing of which he had no conception. At last my father, seeing that he was giving real pain, said, 'Come, come, Mr. ——, since you think this so very illiberal, I must be wrong; and will give up my roasted Quaker rather than your esteem; let us drink wine together.' Peace was made, but I believe neither time nor explanation would have ever made him comprehend that it was a joke."

It happens that we know something of the circumstances under which the odd talk about roasting a Quaker arose, and are able to reduce this mythical jest to its true proportions. "The conversation at dinner," says Lady Holland, "took a liberal turn." Now for the facts of the case. This well-remembered conversation began with some very illiberal reflections made, not jocularly, but apparently in serious earnestness, by Sydney against the Quakers. The gentleman of "sense, simplicity and learning," was familiar with several most excellent men among them, and was engaged with them in works of public benevolence. He took up their cause; and Sydney, as his manner was, went on with humorous exaggeration to say, "Well, I should delight to snuff the *nidor* of a roasted Quaker." All that follows about "Consider the pain, Mr. Smith," and the rest, which is introduced to make it appear that the amiable and learned advocate of the Quakers was impenetrable to a joke, is the embellishment which the professed story-steller allows himself for effect. The truth is, that to all who even slightly know the gentleman alluded to, the idea of his having no power of apprehending humour is simply absurd.

THE GRASSHOPPERS SOLVE THE MORMON QUESTION.

God's Providence is seemingly disposing of a political question, already much debated throughout the Republic, and threatening to be of distracting interest in the future. Statesmen will probably be saved the trouble of solving the difficulties growing upon the Mormon Policy. The Grasshoppers have them in charge, and are rasping and eating a solution right through them.

The Salt Lake Valley is but a cluster of oases in a desert. The surveying engineers of the United States Army have reported that there are but four hundred square miles of arable land in all the Basin. This is in separate tracts, with intervals of desert, and is confined to the streams of water that descend from the mountains. To be cultivated, the soil of Utah has to be subjected to artificial irrigation.

Agriculture is the basis of the prosperity, and of the life, indeed, of a State. Notwithstanding the industrial training of the Mormons—notwithstanding their indomitable courage, and all the great excellencies of the stock of which they are derived—deficiency of crops and positive want of food must inevitably be the incidents of their life in the Salt Lake Valley, with longer or shorter intervals of recurrence. In seeking a hiding place and fortress for their faith, they have seemingly made a mistake. Their agriculture can never flourish there, though their religion may.

Unfortunately, too, they have placed wide deserts on both sides of them, to divide them from the Food of the true agricultural soils. If they would, they cannot exchange their iron, wool, cloth, leather, and crockery, for wheat and flour. The immense distances of the transport from California, Oregon and Wisconsin preclude the idea of carrying food to the Mormons. It would be cheaper to move the Mormons to the food. It is already a debated question in the Church of the Latter Day Saints, if they can stay in the Salt Lake Valley. The Mormons of the East are of the opinion that its resources have been exaggerated, and that they can never suffice for the support of a great State, nor maintain an asylum for their persecuted faith and polity.

But an evil, extraordinary and superadded to those which are chronic and constitutional with Utah, now presses the Mormons sharply, and threatens a speedy end to their civil existence, as well as a solution of all the religio-political questions which their organization has been projecting, these three years past, into Federal discussion. Countless swarms of grasshoppers are busy devouring the vegetation of Utah. They have wholly ate up the wheat, save scattered patches which have been preserved by the labour of men, women and children, organized into relieving squads, who, with willow brushes, have painfully swept the insects into running water, where open bags caught them. These were emptied into trenches and buried up. On the 1st of June, the winter grain crop of Utah was represented to be lost. On the fields devastated by the grasshoppers, the courageous Mormons were ploughing and harrowing, in preparation for the planting of potatoes and corn. Are they not planting food for the grasshoppers?

Sixty thousand Mormons in the Salt Lake Valley may experience hunger this winter. If they do, and if their faith be not stronger than the love of life, Utah is doomed to a steady depopulation, and Mormonism is broken and lost. What a relief to the South will be this unexpected solution of the Mormon Question—a question of "domestic policy."—*Albany Journal.*

SKILL LEADS TO FORTUNE.

From Chambers's Miscellany.

IT will be recollected that one of Sir Walter Scott's sayings was, that "Whatever might be said about luck, it is skill that leads to fortune!" There can be no doubt of this as a general principle. Few self-indulgent and apathetic men do well in any line of life. The skilful, the active, and the steadily persevering, usually carry off the prizes which turn up in the wheel of fortune. At the same time, something is due to circumstances, as well as to the Power which wisely controls human destiny. Practically, however, the thing to be borne in mind is—that the young are bound to exercise all proper means to secure improvement in their condition. That with a fair share of ambition, prudence and meritorious skill, it may be possible to attain a station of eminence—that is, "fortune," though, perhaps, not without corresponding responsibilities and cares—we present the following compendious list of distinguished men who rose from humble and obscure circumstances:

Æsop, Publius Syrus, Terence and Epictetus—all distinguished men in ancient times—were serfs at their outset in life.

Protagoras, a Greek philosopher, was at first a common porter.

Cleanthes, another philosopher, was a pugilist, and also supported himself at first by drawing water and carrying burdens.

The late Professor Heyne, of Gottingen, one of the greatest classical scholars of his own or any other age, was the son of a poor weaver, and for many years had to struggle with the most depressing poverty. The efforts of this excellent man of genius appear to have been greater and more protracted than those of any other on record; but he was finally rewarded with the highest honours.

Bandoccin, one of the learned men of the sixteenth century, was the son of a shoemaker, and worked for many years at the same business.

Gelli, a celebrated Italian writer, began life as a tailor, and, although he rose to eminence in literature, never forgot his original profession, which he took pleasure in mentioning in his lectures.

The elder Opie, whose talent for painting was well appreciated, was originally a working carpenter in Cornwall, and was discovered by Dr. Wolcott—otherwise Peter Pindar—working as a sawyer at the bottom of a saw-pit.

Abbot, Archbishop of Canterbury, who flourished in the sixteenth century, and distinguished himself by opposing the schemes of Charles I., was the son of a cloth-worker at Guildford.

Akenside, the author of "Pleasures of Imagination," was the son of a butcher in Newcastle-upon-Tyne.

D'Alembert, the French mathematician, was left at the steps of a church by his parents, and brought up by a poor woman as a foundling, yet arrived at great celebrity, and never forgot or abandoned his nurse.

Ammenius Saccophorus, founder of the Mystic Philosophy at Alexandria, was born in poverty, and originally earned his subsistence by carrying sacks of wheat—whence the latter part of his name.

Amyot, a French author of some celebrity for his version of Plutarch, lived in the sixteenth century, and was at first so poor as to be unable to afford oil or candles to assist his studies, which he had to carry on by firelight; and all the sustenance his parents could afford him was a loaf of bread weekly.

A FORTUNATE KISS.

THE following little story is by Miss F. Bremer, who vouches for its truthfulness:

In the University of Upsala, in Sweden, lived a young student, a lovely youth, with a great love for studies, but without the means for pursuing them. He was poor, and without connexions. Still he studied, living in great poverty, but keeping a cheerful heart, and trying not to look at the future, which looked so grimly at him. His good humour and good qualities made him beloved by his young comrades. Once he was standing with some of them in the great square of Upsala, prattling away an hour of leisure, when the attention of the young man became arrested by a young and elegant lady, who, at the side of an elderly one, was walking slowly over the place. It was the daughter of the Governor of Upland, living in the city, and the lady with her was the Governess. She was generally known for her goodness and gentleness of character, and looked upon with admiration by the students. As the young men stood gazing at her as she passed on like a graceful vision, one of them suddenly exclaimed:

"Well, it would be worth something to have a kiss from such a mouth."

The poor student, the hero of our story, who looked intently on that pure angelic face, exclaimed, as if by inspiration, "Well, I think I could have it."

"What!" cried his friends in a chorus, "are you crazy? Do you know her?" &c.

"Not at all," he answered, "but I think that she would kiss me now, if I asked her."

"What, in this place, before all our eyes."

"In this place, before your eyes."

"Freely?"

"Freely."

"Well, if she will give you a kiss in that manner, I will give you a thousand dollars," exclaimed one of the party.

"And I!" "and I!" cried three or four others; for it so happened that several rich young men were in the group, and the bets ran high on so improbable an event. The challenge was made and received in less time than we take to relate it.

Our hero (my authority tells not whether he was handsome or plain; I have my peculiar ideas for believing he was rather plain, but singularly good looking at the same time) immediately walked off to the young lady, and said—"(mie froleen) my fortune is in your hands." She looked at him in astonishment, but arrested her steps. He proceeded to state his name and condition, his aspirations, and related, simply and truly, what had just passed between him and his companions. The young lady listened attentively, and, when he ceased to speak, she said blushingly, but with great sweetness—"If by so little a thing so much good can be effected, it would be foolish for me to refuse your request," and she kissed him publicly in the open square.

Next day the student was sent for by the Governor. He wanted to see the man who had dared seek a kiss from his daughter in that way, and whom she had consented to kiss so. He received him with a scrutinizing bow, but after an hour's conversation was so pleased with him that he ordered him to dine at his table during his studies at Upsala.

Our young friend pursued his studies in a manner which soon made him regarded as the most promising scholar in the University. Three years were now passed since the day of the first kiss, when the young man was allowed to give a second one to the daughter of the Governor, as his intended bride.

He became, later, one of the greatest scholars in Sweden, and as much respected for his learning as for his character. His works will endure while time lasts, among the works of science; and from this happy union sprang a family well known in Sweden even at the present day, and whose wealth and high position in society are regarded as trifles in comparison with its wealth of goodness and love.

ONE OF THE JACKSONS.

JONATHAN JACKSON was one of those rare men, who, with no inclination for display, did honour to the age and nation in which he lived—a man of incalculable worth. He was born June 4, 1743. His father, Edward Jackson, a respectable merchant, graduated in 1726 and died in 1757. His only sister married Judge Wendell. He had nine children, among whom are Charles Jackson, LL. D., formerly Judge of the S. J. Court, and Dr. James Jackson, eminent men, extensively known, and both still living. A better view of his character cannot, perhaps, be given in a small space than is contained in the following extract from the History of Newton, by Francis Jackson, recently published:

"He was a member of the Provincial Congress, early in the war; M. C. 1781; State Senator for the County of Essex; appointed by Washington First Marshal of Massachusetts District, Inspector of Excise, Supervisor; Treasurer of Massachusetts and Treasurer of Harvard College. He took an early and zealous part in the Revolution, was an ardent friend of liberty, and the *owner of a slave*. Seeing the inconsistency, he placed on record, in the Suffolk Probate Office, the following document—A NOBLE TESTIMONY:

'Know all men by these presents, that I, Jonathan Jackson, of Newburyport, county of Essex, gentleman, in consideration of the impropriety I feel, and have long felt, in holding any person in constant bondage—more especially at a time when my country is so warmly contending for the liberty every man ought to enjoy—and having, some time since, promised my negro man Pomp, that I would give him his freedom, and in further consideration of five shillings, paid me by said Pomp, I do hereby liberate, manumit, and set him free; and I do hereby remise and release unto said Pomp, all demands, of whatever nature, I have against Pomp. In witness whereof, I have hereunto set my hand and seal, this 19th of June, 1776. JONATHAN JACKSON.' [Seal.]

Witness— { MARY COLBURN, WM. NOYES."

It will be noticed that this instrument is dated two weeks before the Declaration of Independence. It shows what an honest man thinks of the inconsistency of advocating liberty and slavery at the same time.

Mr. Jackson died in 1810 aged 67.

Pomp served through the war, and afterward lived in Andover, near "Pomp's Pond," and died in 1822, aged about 94.—*Boston Telegraph.*

Gleanings from Foreign Publications.

We hear (says the *Chronicle*) of more new poems about to be published. A volume is promised from Mr. Browning, the author of "Paracelsus"—"The Blot on the Scutcheon," &c., &c., while the Laureate's eldest brother, Frederick Tennyson, is said to have finished a new volume for the press, which will be published by Mr. Parker. The first volume of the collective works of Professor Wilson, containing the "Noctes Ambrosianæ," under the editorial guidance of the great Scotch essayist's son-in-law, Professor Ferrier, has just been published.

——A trial of American, French and English machines for cutting and gathering up corn, hay, &c., and which are now to be seen at the Exhibition, took place on the 4th of August, at Trappes, Count de Gasparin presiding. A large number of persons were present. M. Dailly, on whose property the experiments took place, had a special tent erected, under which he hospitably entertained the members of the jury and other invited guests. There were nine machines on the ground—two French, four American and three English. At a given signal they commenced their trial, which was to cut down 1,733 square yards of oats. The American machine of M'Cormick completed its task in a masterly manner in 17 minutes; the second American machine took 23 minutes, and the third 24 minutes. The other machines took from 34 minutes to 1 hour and 20 minutes to perform their work. The next trial was to cut down and gather up a given quantity of lucerne, when the palm of victory again fell to the machine of M'Cormick.

——THE SCOTCH CALCULATING GIRL.—The *Ayr Advertiser* has an account of a recent public examination, at Beith, of the little girl whose wonderful powers of calculation have attracted so much notice. The gentlemen in charge of the child allowed any one present to propose questions to her. Among the questions thus submitted were: How many times does a clock strike in the month of June? 4,680 was the prompt reply. In the year 1855? 56,940. In a lifetime of 75 years? 4,270,560. She was now asked the value of 313 yards of linen at 2s. 9 3-4d. per yard, and in 35 seconds she gave the answer, £44 0s. 3 3-4d. Being requested to show the *modus operandi*, she began aloud with 313 times 3-4 makes 939; the 4's in 939, 234 times and 3-4 over; and so of all the other denomination. She was now asked to cube 795 and give the quotient of that product divided by 19. The product, 502,459,875, and the quotient, 26,445,256 11-19, were both correctly given. In the performance of this last heavy question her teacher begged to be allowed to give her the square upon the board to assist her memory. She did not avail herself of it.

——In the following epistle to Lady Holland, Sydney Smith speaks decidedly in favour of abstinence from all fermented liquors:

"MY DEAR LADY HOLLAND: Many thanks for your kind anxiety respecting my health. I not only was never better, but never half so well; indeed, I find I have been very ill all my life, without knowing it. Let me steal some of the goods arising from abstaining from all fermented liquors. First, sweet sleep; having never known what sweet sleep was, I sleep like a baby or a plough-boy. If I wake, no needless terrors, no black visions of life, but pleasing hopes and recollections: Holland House past and to come! If I dream, it is not of lions and tigers, but of Easter dues and tithes. Secondly, I can take longer walks and make greater exertions without fatigue. My understanding is improved, and I comprehend political economy. I see better without wine and spectacles than when I used both. Only one evil ensues from it;